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QUINTILIAN'S

INSTITUTES OF ORATORY

OR EDUCATION OF AN ORATOR

IN TWELVE BOOKS

LITERALLY TRANSLATED WITH NOTES

BY THE

REV. JOHN SELBY WATSON, M.A.

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BIOGRAPHICAL AND CRITICAL NOTICE

OF

QUINTILIAN.

MARCUS FABIUS QUINTILIANUS was born at Calagurris, now called Calahorra, a town of Spain on the Ebro.* The time of his birth is uncertain, but as he was, while still young, a hearer of Domitius Afer at Rome, who died A.D. 59,† we may reasonably suppose him to have been born about A.D. 40.

What his father was, is unknown. He alludes to him once, in the ninth book,‡ where Spalding suggests that he may have been the pleader mentioned by Seneca the rhetorician in the preface to the fifth book of his Controversies; but for this supposition there is no foundation.

The scholiast on Juvenal§ says that he studied under the grammarian Palæmon.

He appears to have returned to Spain, and to have been brought again from thence by the emperor Galba, A.D. 68, to Rome, where he distinguished himself in the two professions of pleader, and teacher of eloquence. Among his pupils was Pliny the younger.‖ His scholars seem to have been numerous, according to Martial,¶

> *Quintiliane, vagæ moderator summe juventæ,*
> *Gloria Romanæ Quintiliane togæ,*

the first of which verses, says Gesner, refers to his teaching, and the second to his pleading. It would appear from St. Jerome's Chronicon** that he first opened a public school or college for rhetoric at Rome in the eighth year of the reign

* Hieron. in Chron. ad Ol. 211 and 216.
† Inst. Or. v. 7, 7; x. 1, 11, 24, 36; xii. 11, 3. Tacit. Ann. xiv. 19.
‡ C. 3, sect. 73. § VI. 452.
‖ Plin. Ep. ii. 14; vi. 6. ¶ XI. 90. ** Ubi suprà.

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of Domitian, receiving a salary from the public treasury. The salaries for Greek and Latin rhetoricians had previously been fixed by Vespasian at a hundred thousand sesterces, or about eight hundred pounds of our money.* He himself speaks of his oratorical efforts, and of the memory which he exhibited in them.†

He published, however, only one of his orations, which was delivered on behalf of a certain Nævius Apronianus,‡ who was accused of having killed his wife. Other speeches of his were in circulation, but they had been made public without his sanction, by short-hand writers who had taken them down to make profit of them. He complains of the negligence and incorrectness with which they had been given to the world.§

He pleaded, on some occasion, before queen Berenice,‖ and on her behalf, but the subject of the pleading is not known.

After spending twenty years¶ in the forum and in his school, he seems to have retired, partially or wholly, from public employment, and to have devoted his leisure, at the request of his friends, to the composition of his *Institutiones Oratoriæ*, a work which he was the rather induced to undertake by the circumstance that two books on rhetoric had been published in his name by some of his pupils, who had taken notes of his lectures, and had sent them into the world with more zeal than discretion.** He dedicated the work to Marcellus Victorius, the same to whom Statius inscribes the fourth book of his Silvæ. About the time that he was finishing the third book, he was intrusted with the education of two grand-nephews of Domitian, the sons of Flavius Clemens, and Domitilla, the grand-daughter of Vespasian.††

As he was about to commence his sixth book, he was afflicted with the loss of his son, aged ten years, of whom he had formed high expectations, and who had been adopted by some person of consular dignity. He had previously lost another son at the age of five, and his wife, whose amiable qualities he highly extols, at the age of nineteen. He represents himself as almost in despair, and weary of life; but he resolved on seeking consolation from literature, and proceeded with his work.‡‡

One of Pliny's Letters, the thirty-second of the sixth book,

* Suet. Vespas. c. 17. † XI. 2, 39. ‡ VII. 2, 24.
§ VII. 2, 24. ‖ IV. 1, 19. ¶ I. 1, 1.
** I. 1, 7. †† B. iv. introd. ‡‡ B. vi. introd.

is addressed to a person named Quintilian, who had a daughter, to whom Pliny offers to present fifty thousand sesterces, or about four hundred pounds, on her marriage. This Quintilian is generally supposed to be the author of the Institutes, and, if so, the daughter, as Quintilian does not mention her in speaking of his first wife and family, was probably the offspring of a second marriage, to the daughter, as Pliny intimates, of a certain Tutilius. Dodwell thinks that this second marriage took place about A.D. 94, when Quintilian was past fifty.

Quintilian was invested by Domitian with the name and insignia of consul, at the request, according to Ausonius,* of Clemens, doubtless the Flavius Clemens to whose children he had been appointed preceptor; but "the honour," adds Ausonius, "was rather a titular distinction than an indication of authority." It is to this exaltation that Juvenal alludes, in the verse,

Si Fortuna volet, fies de rhetore consul,†
Thou from a rhetorician mayst become,
If fortune will, a consul.

It appears, from the same passage of Juvenal, that Quintilian, though parents were unwilling to pay liberally for the education of their sons, was a rich man,

Unde igitur tot
Quintilianus habet saltus?
Whence has Quintilian gain'd
Such large estates?

and the satirist attributes his wealth to the favour of fortune.

When he died, is uncertain. Dodwell supposes that he was alive A.D. 118, when he was probably seventy-five years old.

His character, as a man, appears to have stood fair in the estimation of his contemporaries. The tendency of what Juvenal says of him, is to make us look upon him in a favourable light. Gesner supposes that in the verses

Felix et pulcher et acer,
Felix et sapiens et nobilis et generosus,

every epithet is to be literally applied to Quintilian; that the word *pulcher* proves him to have been of a handsome person; and that the words in the sixth satire,

* In Gratiarum Actione. † Juv. Sat. vii. 186.

*An expectas ut Quintilianus ametur ?**

show that he was free from the vices into which the handsome were frequently enticed. It is not, however, clear that every one of Juvenal's characteristics was meant to apply strictly to Quintilian; yet there is nothing to prevent us from entertaining as good an opinion of Quintilian's moral character as Gesner entertained.

In his professional capacity, he shows, with great strength and felicity of argument, that a great orator must be a good man; and he recommends the strictest abstinence from all licentiousness or immorality in language. Yet he never forgot that he was a pleader, or that a pleader thinks himself justified in resorting to every possible means for the establishment of his case. He thought, with Cicero and the Stoic Panætius, that a good orator, and a good man, may sometimes tell a lie, if it be told with a good motive;† that the ignorant may be misled with a view to their benefit; that the mind of a judge may be drawn away from the contemplation of truth;‡ that we may sometimes speak in favour of vice to promote a virtuous object;† that if a dishonourable course appear advisable, it may be advocated in plausible terms; and that vices may sometimes be honoured with the names of the proximate virtues. But his worst offence against morality is that he sanctions the subornation of witnesses to declare what they know to be false.‖ He seems to have thought, indeed, that a pleader might do all manner of evil if he could but persuade himself that good would come of it.

His flattery of Domitian¶ is gross; he calls him the most upright of moral censors, a master in eloquence, the greatest of poets, and a deity; but such adulation was sanctioned by the usage of the time, and was not much worse than that offered to the same emperor by Valerius Flaccus, or that of Lucan to Nero, except that poets are allowed more liberty in such respects than prose writers. That given by Velleius Paterculus to Tiberius is of an equally extravagant description

The great merit of Quintilian's treatise on oratory, above all works of the kind that had preceded it, was its superior

* Juv. vi. 75. † Quint. ii. 17, 27; Cic. Off. ii. 14, 16, 17
‡ III. 7, 25; vi. 2, 5. § II. 4, 23. ‖ V. 7, 13.
¶ B. iv. introd.; x. 1, 91. Spalding ad iii. 8, 47

copiousness of matter and felicity of embellishment. It does not offer a mere dry list of rules, but illustrates them with an abundance of examples from writers of all kinds, interspersed with observations that must interest, not only the orator, but readers of every class. It embraces a far wider field than the *De Oratore* of Cicero, and treats of all that concerns eloquence with far greater minuteness. The orator conducts his pupil from the cradle to the utmost heights of the oratorical art. He speaks of the books that he must read in his boyhood, and in his maturer years. He gives him precepts on study, on morals, on preparing and stating causes, on arranging and enforcing arguments, on the attainment of style, on elocution and gesture, and on everything that can be supposed conducive to the formation of an able public speaker.

In the delivery of these precepts he manifests great judgment, extensive reading, and the utmost anxiety to do his work well. His style is so studiedly elegant and graceful, that the reader will sometimes be disposed to think that it would be improved by the appearance of occasional negligence. His Latinity, considering the age in which he lived, deserves the highest praise for its purity. His figurative embellishments are in general extremely happy; and it is justly observed by Dr. Warton* that "No author ever adorned a scientifical treatise with so many beautiful metaphors." It must however be observed that he allows himself, in his illustrations, to use the conjunctions *quasi* and *velut* with rather too great frequency. In his phraseology, also, he is sometimes too fond of brevity. His quotations, as Spalding shows, are not always in the exact words of the authors, being apparently given from memory.

The parts which have most attractions for the general reader are the first and second books, which relate to elementary education, and the last three, especially the tenth, which contains criticisms, of great spirit and justice, on a long series of Greek and Latin authors in all departments of literature. His characters of Homer, Aristotle, Cicero, and Seneca, and his comparisons between Demosthenes and Cicero, Thucydides and Herodotus, are fine specimens of critical acuteness and discrimination. "I have often perused with pleasure," says Gibbon,† "a chapter of Quintilian in which

* Essay on Pope, vol. i. p. 177. † Vol. ix. p. 442, note.

that judicious critic enumerates and appreciates the series of Greek and Latin classics."

We learn from Quintilian himself* that he wrote a book *On the Causes of the Corruption of Eloquence;* and it has consequently been inquired whether the anonymous *Dialogus de Oratoribus*, which is also entitled, in some copies, *Sive de Causis Corruptæ Eloquentiæ*, may not be the work to which he alludes. But the phraseology of that Dialogue bears much less resemblance to the style of Quintilian than to that of Tacitus, to whom, accordingly, it is generally attributed. A coincidence between two passages of the Dialogue, and one of Pliny's Epistles, strengthens the presumption that Tacitus was the author. The writer of the Dialogue, c. 9, says,

Adjice quod *poetis*, si modò dignum aliquid elaborare et effingere velint, relinquenda conversatio amicorum, et jucunditas urbis, deserenda cetera officia, atque, ut ipsi dicunt, in nemora et lucos, id est, in solitudinem, recedendum est:

and in c. 12.

Nemora vero *et luci*, et secretum iter,——tantam mihi afferunt voluptatem, ut inter præcipuos *carminum* fructus enumerem:

and Pliny, in a letter to Tacitus, has,

Itaque *poemata* quiescunt, quæ tu *inter nemora et lucos* commodissimè perfici putas.

This coincidence was first noticed by Dr. Stock in his edition of Tacitus printed at Dublin in 1788

Attached to the editions of Quintilian are one hundred and sixty-four *Declamations*, which remain out of a collection that originally consisted of three hundred and eighty-eight. Nineteen of these are of considerable length, and are entitled, in Burmann's and other editions, *Quintiliani Declamationes*; the other one hundred and forty-five are called *Excerpta ex Quintiliano*. But Burmann did not suppose that any of them were really the work of Quintilian; he regarded them as having proceeded from various hands at different periods, and as of little utility either for promoting eloquence or illustrating law; and adds that, though he had spent much labour, of no very pleasant kind, in correcting them, he would willingly consign them all to oblivion to recover one of the lost books of Livy or Tacitus.

* B. viii. fin.; b. vi. introd.

Quintilian was first brought to light, on the revival of learning, by Poggio the Florentine, who found a manuscript of the Institutions in the monastery of St. Gall, near Constance, and made a transcript from it with his own hand, as he states in a letter to Guarini, dated December, 1417.* This manuscript is supposed to be the same with that which is now preserved at Florence under the name of the Codex Laurentianus.

The *Editio Princeps* of the Institutions appeared at Rome in 1470, from the press of J. P. de Lignamine; and the second edition came forth in the same year from that of Sweynheim and Pannartz. In the following year was published that of Jenson at Venice. All these were in folio, as was also that of Raphael Regius, Venice, 1493, who was the first that attempted to correct the numerous errors in Quintilian's text. He was a very acute editor, and, considering the state of learning in his age, very successful in his emendations.

Nine or ten more editions, all of little account, appeared between this and that of Badius Ascensius, Paris, 1516, who followed the text of Regius, but improved it by introducing some emendations from a manuscript of Laurentius Valla.

The nineteen longer Declamations were first published, with the Institutions, at Treviso, in 1482, and one hundred and thirty-six of the shorter ones at Paris in 1509. The other nine were added from an old manuscript by Peter Pithou, Paris, 1580.

The next editions, after that of Badius Ascensius, that did much for the improvement of the text, were those of Mosellanus, 4to., 1527, and Colinæus, 8vo. 1531. The Gryphii, Sebastian, Francis, and Antonius, produced several editions, the first of which was that of Sebastian, Paris, 1534, but all those that had the charge of them, whoever they were, left the text nearly the same as they found it.

In 1543 appeared the edition of Camerarius and Sichardus, with the *Castigationes* of Philander, which, according to Gesner, had been published eight years before, in a separate volume, at Basil. These three contributed something to the emendation and illustration of the text.

In 1553 there was published an edition at Paris by Thomas

* Fabric. Bibl. Lat. ed. Ernesti.

Richardus, who republished it in 1556, with notes which were said to be written by Turnebus, but which cannot be proved to have been his, and have been generally regarded as inferior to what might have been expected from him. Burmann and Spalding call the writer Pseudo-Turnebus. Many of these annotations, however, illustrate passages very happily; and I have frequently cited them, appending the name "Turnebus."

The Variorum edition of 1665, commenced by Schrevelius and finished after his death by Frederic Gronovius, is useful, but of no great estimation. Burmann charges the editor or editors with *supine negligence.*

Passing over a variety of minor editions, we come to the first English edition, published by Edmund Gibson, 4to., Oxford, 1693. Gibson seems to have been but a young man when he brought out this edition. He professed to have collated three manuscripts, two at Oxford and one at Cambridge, but both Burmann and Spalding accuse him of not having made his collations with sufficient care.

In 1698 appeared at Strasburg, in 4to, the edition of Ulric Obrecht, with various emendations in the text, many of them very judicious, but without notes. He had intended to publish a separate volume of annotations, with the reasons for his corrections, but was prevented by death from executing his design.

In 1715 Rollin published what we may call a selection from the Institutions of Quintilian, for he omitted all such parts as he thought not necessary to be read by youth in modern times. His text is tolerably correct, but he is too sparing of illustration.

Five years afterwards, 1720, followed the well-known edition of Burmann, containing the principal annotations of all preceding commentators, and some of Burmann's own. What Burmann himself did, however, was less than might have been expected from him; he neglected many passages that required both correction and illustration. When he attempted emendation, he was extremely timid, and not always happy.

What Burmann had omitted, Capperonier, Paris, 1725, attempted in some degree to supply. But he wanted judgment to direct his good intentions. Burmann had neglected to explain any of the legal or rhetorical terms used by Quintilian; Capperonier resolved to explain them all with the ut-

most minuteness. He accordingly extracted, from various sources, but especially from the Greek rhetoricians, all that he could possibly bring to bear on the technicalities of his author; but from not having divided his texts into sections, to which he might refer, he has been under the necessity of repeating scores of times, illustrations which it would have been sufficient to have given once. His pages are accordingly encumbered with superfluous matter, and he himself, from the way in which he speaks of his doings, seems proud of the petty erudition which he has so industriously accumulated. Burmann thought himself insulted in the preface, and took ample revenge in a pamphlet addressed *Ad Claudium Capperonnerium, Theologum Licentiatum, Diaconum Ambianensem et Græcæ Linguæ Professorem, de novâ ejus Quintiliani editione*, a pamphlet which consists of one hundred and two pages, and of which the index refers to *Capperonnerii calumniæ, obtrectationes, ignorantiæ, furta, ineptiæ, errores*, p. 1–102. Yet it must be allowed, as Spalding justly observes, that "notwithstanding Burmann's strictures and ridicule, a knowledge of the technical terms of rhetoric, such as Capperonier possessed in no small degree, is necessary, not only for the interpretation of Quintilian, but for estimating the value of various readings." In capacity for judging of readings, however, Capperonier was deficient; and Gesner, in speaking of his notes, intimates that such of them as are not on rhetorical or legal points are undeserving of notice.

Capperonier was followed by Gesner, 1738. whose text is on the whole rather more correct than Burmann's, but who quietly passed over many passages that demanded correction and explanation.

But all preceding editors were far surpassed by George Lewis Spalding, whose first volume appeared in 1798. He commenced his work with an ample store of critical materials, and the aid of all that had been done by his predecessors; but, what was of far more consequence, he devoted himself to his undertaking with a resolution to leave no apparent corruptions in the text unamended, and no obscurity unelucidated. As he was well qualified, by learning and perspicacity for his task, he has produced a work of the highest excellence, both for correctness and for illustration. If he deserves censure on any account, it is for having paid occa-

sionally too much attention to worthless readings, and for having been rather too fastidious about the Latin of his notes, which, had they been more concise and spirited, would, even if less elegant, have pleased the reader better. He did not live to complete his work, but died suddenly when he was near the end, and the conclusion was committed to the able management of Buttmann, who, to one of Spalding's notes on the third chapter of the twelfth book, makes the following addition :

Hæc manè quum scripsisset Georgius Ludovicus Spalding, vespere ereptus est Quintiliano, et his literis universis, et si quid in quocunque genere boni aut re aut humanissimo gaudio plausuque juvandum erat.

"The *Translations* of Quintilian," says Ernesti, "are but few; for his Institutions are more difficult to render into our modern tongues than other works of antiquity." Experience has enabled me to form some opinion of the justice of this remark.

Four versions have, however, appeared in French; one by Michael de Pures, published in 1663; another by the Abbé Nicolas Gedoyn, which appeared first in 1718, and has been several times reprinted. Gedoyn's performance deserves great praise; he seems to have been extremely anxious to express the sense of his author, and is said to have spent ten years over his task. But the version is in some places, as Ernesti remarks, fallacious. The French translation published by Nisard, 1853, in his "Collection des Auteurs Latins," is modelled on that of Gedoyn, and supplies a few short passages which he had omitted. The French version of C. V. Ouizille, Paris, 1829, I have not seen.

In English we have had two versions. The earlier was that of Guthrie, printed first, I believe, in 1756. The quality most remarkable in Guthrie is his audacity; he was resolved to give some English for Quintilian's sentences, and when he could not see the sense, either by the light of his own scanty learning, or of Gedoyn's French, he boldly excogitated something, and thrust on his reader the offspring of his own mind for that of Quintilian's. Of his travesties, that I may not seem to do him injustice, I will give a few specimens. In the fourteenth chapter of the fifth book Quintilian says,

Hæ [quæstiones] primam habent propositionem. *Sacrilegium commisisti: Non quisquis hominem occidit, cædis tenetur.*

For which Guthrie gives,

"In all such matters a leading proposition is laid down, which is the subject-matter of contest. Says one party, *You have been guilty of sacrilege, for you have killed a man.*" Says the other, "*If I have killed a man, it does not therefore follow that I have been guilty of sacrilege.*"

In the third chapter* of the sixth book Quintilian records the following jest:

Servus Dolabellæ, quum interrogaretur, an dominus ejus auctionem proposuisset, *Domum*, inquit, *vendidit.*

This Guthrie metamorphoses into

"*When Dolabella was about to purchase a slave, who offered himself to sale*, he asked him *whether he had his master's leave to be sold*; He has, replied the slave, sold his house."

Quintilian remarks, on the collocation of phrases,

Cavendum ne decrescat oratio, et fortiori subjungatur aliquid infirmius, ut *sacrilego fur*, aut *latroni petulans*.

Guthrie presents us with

"We are to avoid a dwindling of style; for *whatever is weak ought to be subjected to what is strong:* Thus sacrilege is a higher crime than theft, and robbery than impudence."

What he conceived himself to mean, when he was writing that "whatever is weak ought to be subjected to what is strong," it is not easy to conjecture.

Quintilian observes of definition,†

Opus est aliquando finitione obscurioribus et ignotioribus verbis, ut quid sit *clarigatio*, *proletarius*. Erit et interim notis nomine verbis, ut quid sit *penus*, quid *litus*. Quæ varietas efficit, ut eam quidam conjecturæ, quidam qualitati, quidam legitimis quæstionibus subjecerint.

What Guthrie offers, is,

"There is no way of defining some things, but *in terms more obscure than the term that is defined*. Other things are so clear in their sense, they require no definition as to the term. This variety has occasioned a great deal of *logical jargon*, which is very unprofitable to the business of an orator."

If the reader choose to follow him a few sentences further, he may see a little more of strange metamorphosis.

* Sect. 99. † VII. 3, 13.

In the fifth chapter of the eighth book* Quintilian says,

Est et quod appellatur à novis *νόημα*, quâ voce omnis intellectus accipi potest, sed hoc nomine donârunt ea quæ non dicunt. verùm intelligi volunt; ut in eum, quem sæpius à ludo redemerat soror, agentem cum eâ talionis, quod ei pollicem dormienti recidisset, &c.

Guthrie gives,

"The word understanding may be indifferently applied to all operations of the intellects. *But when we say that a thing is understood, we suppose it to be suppressed.* Thus a fellow whose sister had several times redeemed him from the profession of prize-fighting, sued her, upon the statute of Talio, for cutting off his thumb, &c.

At the end of the tenth book Quintilian observes of the note-books left behind him by Cicero,

Nam Ciceronis ad præsens modò tempus aptatos libertus Tiro contraxit; quos non ideo excuso, quia non probem, sed ut sint magis admirabiles.

Which Guthrie transforms thus:

"The notes Cicero left behind him were only for his own private use, and *were abridged by his freedman Tiro; an action which I do not approve of;* but I mention it, that we may admire them the more."

Quintilian, at the end of the ninth chapter of the twelfth book, says that the orator is to study his cause well before he ventures to speak upon it, premeditation being safer than writing:

Licet tamen præcogitare plura, et animum ad omnes casus componere; idque est tutius stilo, quo faciliùs et omittitur cogitatio, et transfertur.

Guthrie makes him say,

"Upon the whole we ought to consider and premeditate every circumstance, and to be prepared against all events and objections. *This is most safely done by writing.* For *thereby* we can most readily *admit* or transpose a thought."

Yet he has the confidence to say, in a note on the second chapter of the sixth book, that "the reader who is acquainted with the original of this chapter, will not be surprised at my being obliged now and then to throw in a word that is not in the original;" and adds that "the Abbé Gedoyn, *though he takes much greater liberties of that sort than I do,* has in this chapter several times mistaken or obscured our author's sense" Gedoyn is closeness and accuracy itself compared

* Sect. 12.

with Guthrie, and would have shuddered at the thought of "throwing in" such words as Guthrie forces on "our author." It would be easy to find dozens of similar instances.

Patsall, who followed Guthrie in 1774, is better on the whole; perhaps he has not more than half as many faults as Guthrie; but many of what he has are very gross. He translates *Mithridates corpore ingenti, perinde armatus*, "Mithridates having likewise the advantage of a huge body," from which single specimen the reader may fully estimate his ability to exhibit in another language the niceties of Quintilian's diction. It is to be observed that neither Guthrie's version, nor Patsall's, is complete; for whole chapters, and large portions of chapters, are omitted in each of them.

There are two Italian versions of the Institutes, by Orazio Toscanella, 4to., Venice, 1568, and by Garilli, Vercelli, 1780. There is one in German, by H. P. C. Hencke, 3 vols. 8vo., 1775, which was republished in an improved form by Billerbeck, in 1825.

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QUINTILIAN

ON THE

EDUCATION OF AN ORATOR.

BOOK VII.

INTRODUCTION.

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1. Of *Invention*, I think, enough has been said; for I have not only treated of the mode of informing judges, but have touched on the art of exciting their feelings. But as it is not enough for those who are erecting edifices, to collect stones and materials, and other things useful for the architect, unless the hand of the workman be also applied to the disposition and collocation of them, so, in speaking, however abundant be the quantity of matter, it will form but a confused mass and heap, unless similar *arrangement* bind it together, disposed in regular order, and with its several parts connected one with another. 2. It is therefore not without reason that arrangement is considered the second of the five parts* of oratory; for though all the limbs of a statue be cast, it is not a statue until they are united; and if, in our own bodies, or those of any other animals, we were to displace or alter the position of any part, they would, though they had the same number of parts, be but monsters. Even our joints, if but in the least degree dislocated, lose their whole use and power of action; and disorder in an army is an impediment to its efficiency. 3. Nor do those appear to be in the wrong, who think that the system of the world is maintained by order, and that, if its order were broken, it would cease to exist as a whole.

* Compare vi. 4, 1. *Spalding.* See note on iii. 1, 1.

So speech, if deficient in that quality, must necessarily be confused, and float like a ship without a helm; it can have no coherence; it must exhibit many repetitions, and many omissions; and, like a traveller wandering by night in unknown regions, must, as having no stated course or object, be guided by chance rather than design.

4. The whole of this book, therefore, shall be devoted to arrangement; a quality, which, if it could be taught by rules adapted to every kind of subject, would not have fallen to the lot of so small a number of speakers. But as the forms of causes have been, and will ever be, infinite in variety, and as no one cause, during so many ages, has been found in all respects similar to another, the pleader must exercise his sagacity, his discernment, his invention, and his judgment, and must ask counsel from himself. Yet I do not deny that there are some things that may be taught by precept, and of these I shall not fail to treat.

CHAPTER I.

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1. Let *division*, then, as I signified above,* be the distribution of a number of things into its component parts; *partition*, the regular distribution of parts into their members, and a just disposition connecting those that follow with those that precede; and *arrangement* a due distribution of things and their parts in their proper places. 2 But let us remember that

* V. 10, 63.

arrangement is often altered to suit the interest of a cause, and that the same question is not always discussed first by both parties; a point of which, to omit other examples, Demosthenes and Æschines may afford us an instance, who, in the trial concerning Ctesiphon, adopt a very different order, as the accuser commences with the question of law, on which he thought himself the stronger, while the defendant introduces all other particulars, or almost all, before touching on the question of law, in order to prepare the judges for considering the point of legality at the conclusion. 3. For it may be to the interest of one side to state one point first, and of the other to state another; else the pleading would always be conducted at the pleasure of the prosecutor; and, in a case of mutual accusation, when each party defends himself before he accuses his adversary, the order of everything on either side must be different.* I shall therefore set forth the method which I myself have followed, and which I have adopted partly from the rules of others, and partly from my own reasoning; nor have I ever made any mystery of it.

4. It was my great care, in forensic pleadings, to ascertain, in the first place, all the points that were concerned in any cause;† as in the schools there are certain particulars, and but few, that are laid down previous to the declamation; the Greeks call them *θέματα*.‡ Cicero § *proposita*. When I had placed these, as it were, full in my view, I contemplated the cause not less with reference to the opposite side than to my own.

5. First, then, (what is not difficult to be ascertained, but is above all to be regarded,) I settled *what* each party wished to establish, and then *by what means*, in the following way. I considered what the prosecutor would state first; this would either be an *admitted*, or a *contested* point. If it were admitted, the question could not lie in it. 6. I passed therefore to the answer of the defendant, and considered it in the same way. Sometimes, too, what was elicited from thence was admitted.

* In *anticategoria*, that is, *recrimination* and *mutual accusation*, the arrangement on each side is different; for instance, if you accuse me of homicide, and I accuse you of sacrilege, I should speak first of homicide, in order to clear myself, while you would speak first of sacrilege. *Turnebus.* See iii. 10, 4.

† Comp. vi. 4, 8; iv. 2, 28.

‡ IV. 2, 28. § Topic. c. 21.

But as soon as there began to be any disagreement, the question arose. The process was of this nature: *You killed a man; I did kill him;* the fact is admitted; I pass on. 7. The defendant ought to give a reason *why he killed him It is lawful,* he may say, *to kill an adulterer with an adulteress,* It is admitted that there is such a law. We may then proceed to a third point, about which there may be a dispute. *They were not guilty of adultery; they were.* Hence arises the question. It is a controversy about fact, a matter of conjecture. 8. Sometimes, however, a third point is admitted, that *they were guilty of adultery. But,* the accuser may say, *it was not lawful for you to kill them; for you were an exile,* or *infamous,* There is, then, a question about law. But if, when the prosecutor says at first, *You have killed,* the defendant reply, *I have not killed,* the dispute commences at once. It is thus that we must ascertain when the controversy begins; and we must consider what forms the first question.*

9. The accusation may be simple: *Rabirius killed Saturninus;*† or complex: *Lucius Varenus has incurred the penalty of the law respecting assassins; for he is guilty of killing Caius Varenus, of wounding Cneius, and also of killing Salarius;*‡ since there will thus be three distinct propositions. The same may be said of civil suits.§ But out of a complex accusation may arise several questions and *states,*‖ if the accused denies one point, justifies another, and endeavours to set aside another by taking exception¶ at the form of process. In this case the accuser must consider carefully what he ought to refute, and in what parts of his speech.

10. As to what concerns the accuser, I do not altogether dissent from Celsus, who, doubtless following Cicero, persists in maintaining somewhat too positively, on this head, that strong arguments should be advanced in the first place, the strongest

* *Considerari debet, quæ primam quæstionem facit.*] These words are evidently corrupt. Spalding proposes *quæ prima quæstionum fuerit,* or *quam primam quæstionem facias.*

† V. 7, 20.

‡ See v. 13, 28; and the fragments of the speech *Pro Vareno* in Ernesti. The words *commisit* and *cadit* in the text, of which the sense is not very clear, I have translated in conformity with the notions of Spalding.

§ *De petitionibus.*] As distinguished from criminal prosecutions.

‖ III. 6, 1. ¶ III. 6, 23.

of all in the last, and the weaker in the middle; because the judge requires to be moved at the beginning, and pressed forcibly at the end. 11. But on the side of the accused, the strongest argument against him must first be attacked, lest the judge, looking to that point, should regard with too little favour our establishment of other points. Yet this order may occasionally be changed, if the lighter points be evidently false, and the refutation of the heaviest charge extremely difficult; so that, after thus detracting from the credit of the accusers, we may proceed to the last point, when the judge is ready to suppose that *all* the charges may be false. It will be necessary, however, to make some preliminary remarks, in which a reason may be given for putting off the consideration of the principal charge, and a refutation of it may be promised, in order that we may not seem to fear that which we do not at once overthrow. 12. Attacks on the past life of the accused must generally be refuted first, that the judge may be inclined to hear with favour the question on which he is to give a decision. But Cicero, in his speech for Varenus, has delayed the consideration of such charges to the conclusion, regarding, not what is expedient generally, but what was expedient on that occasion.

13. When the accusation is simple, we must consider whether we will give our answer in *one* proposition or *in several.* If in one, whether we build our case on *fact*, or on *written law.** If on fact, whether what is charged against us is to be *denied* or *justified.* If on written law, on *what point of law* the question stands, and whether it regards the *letter* or the *intention.* 14. This we shall discover, if we ascertain what law it is that gives rise to the suit, that is, on what the point for decision rests. In the exercises of the schools, some laws† are laid down merely to connect a series of circumstances in a case: thus, *Let a father,‡ who recognizes a son that he has exposed, take him back on paying for his sub-*

* Quintilian here looks to the primary division of general *states*, according to which some are *de re*, and are called *status rationales*; others *de scripto*, and are called *legales.* Capperonier. See b. iii. c. 6.

† *Quædam.*] We must understand *leges*, as is evident from the example that follows. *Capperonier.*

‡ This law we find in Seneca the Rhetorician, pp. 286, 479; and in the 278th of the Declamations that go under the name of Quintilian. *Spalding.*

sistence; Let it be lawful for a father to disinherit a son who is disobedient to his admonitions. A father who has taken back a son that he had exposed, requires him to marry a rich relation; the son wishes to marry the daughter of the poor person that brought him up 15. The law regarding children exposed is a subject for moving the feelings;* but the decision depends on the law concerning disinheritance. Nor does the question always rest on one law only, but sometimes on more than one, as in a case of ἀντινομία, or contradictory laws.† This matter being considered, it will be seen about what points the question is.

A complex defence is such as that in Cicero's speech for Rabirius: *If he had killed Saturninus, he would have acted rightly; but he did not kill him.* 16. But when we advance many arguments against one proposition, we must consider, in the first place, all the points that can be advanced, and must then settle in what part of our speech it is expedient that each should be stated. 17. In regard to this matter, I do not hold the same opinion which I expressed a little above‡ concerning propositions, and to which I assented in respect to arguments, (in the place in which I treated of proofs,§) that we may sometimes begin with the stronger; for, in refutation, the force of our questions ought always to increase, and to proceed from the weakest to the strongest, whether they be of the same or a different kind. 18. But questions of law may sometimes arise from one ground of dispute after another; those of fact look always to one point; in both, however, the order is the same. But let us speak first of such as are of different kinds, the weakest of which ought to be discussed first.

Hence it is that, after considering some questions, we concede or grant them to the opposite party; for we cannot pass to others unless by dismissing those that come first. 19. This ought to be done in such a manner, that we may not appear to have despaired of them, but to have set them aside, because

* The first of the two laws has no influence in deciding the case; it merely affords a subject for either party to excite the feelings; for the father will say that he took back his exposed son; the son will say that while he was exposed he was brought up by the poor man; and thus each party will have an affecting topic for eloquence. *Turnebus.*

† III. 6, 46, and viii. 7. ‡ Sect. 10. § V. 12, 14.

we can establish our cause without them. *An agent demands money from a person for interest on an inheritance:* a question may arise *whether he who is acting as agent has a right to be an agent.** 20. Suppose that we, after we have discussed this question, give it up, or are defeated upon it, the next question may be, *whether he in whose name the action is brought, has a right to have an agent.* Suppose that we give way† on this point also, the cause may admit of the question *whether he, in whose name the suit is instituted, is heir to the person to whom the interest is due, and sole heir.* 21. If these points also be granted, it may be asked *whether the money is really due.* On the other hand, nobody would be so foolish as to yield what he considered his strongest point, and pass on to others of minor importance. Similar to the preceding case is one that is given in the schools: *You must not disinherit an adopted son; though you may disinherit this adopted son, you must not disinherit one who has deserved well of his country; though you may disinherit one who has deserved well of his country, you may not disinherit whatever deserving son has not obeyed your will; though he may have been bound to obey your will in all other things, you may not disinherit him for not having obeyed it in regard to an option,‡ or, if you may disinherit him for an option, not for such an option as this.* Such is the dissimilarity in questions of law. 22. But in matters of fact there may be several questions all tending to the same object: as if, for instance, a person who is on trial for theft, should say to the accuser, *Prove that you had the property; prove that you lost it; prove that you lost it by theft; prove that you lost it by my theft.* The first three points may be conceded; the last cannot.

23. I used also very frequently§ to adopt this method. I went back from the last species (for it is that which commonly contains the point for decision) to the first general question; or descended from the genus to the last species;‖ and that even in deliberative causes. 24. Suppose, for example, that Numa deliberates *whether he shall accept kingly power when*

* IV. 4, 6. † III. 6, 8. ‡ See v. 10, 97.

§ *Præcipuè.*] I cannot satisfy myself as to the force of this adverb. *Spalding.*

‖ See note on v. 10, 5.

the Romans offer it. First arises the general question, *Whether he ought to reign at all;* then follow the particular questions, *Whether he ought to reign in a country not his own; whether at Rome; whether the Romans will tolerate such a king as himself.* The case is similar in matters of controversy: Suppose a man who has deserved well of his country makes choice of another man's wife: the last special question is, *Whether a man can make choice of another's wife:* The general question is, *Whether he who has deserved well of his country ought to receive whatever he makes the object of his choice;** then follow the inquiries, *whether he can choose from the property of a private person; whether he can demand a woman in marriage; whether he can demand one who has a husband.* 25. But these questions are not set forth in our speech in the same order in which they occur to us;† for that in general occurs first which is to be expressed last, as thus, *You ought not to make choice of another man's wife.* Hence haste spoils division. We should not, therefore, content ourselves with what offers; but should inquire something further, as, *whether he may not even make choice of a widow;* something further still, as, *whether he may not choose anything belonging to a private person;* or last of all, going back to what is next to the general question, *whether he may not make choice of anything unlawful.* 26. Examining the proposition of our adversary, therefore, as is very easy, let us decide, if possible, *what it is natural* should be answered first; and this, if we but contemplate the cause as being actually pleaded, and the necessity laid upon us of replying at once, will readily occur to us.

27. But if it should not occur, let us set aside that which occurs to us first, and reason with ourselves thus: *What, if it were otherwise?* questioning ourselves a second and a third time, until nothing remain for consideration. Thus we shall examine even the minutest points, which, if well treated, will make the judge more inclined to listen to us on the main

* V. 10, 97; vii. 10, 6.

† In our speech questions are **not** disposed in the same order in which they occur to us in meditation and investigation; for what occurs to us first is generally the *hypothesis*, or ground of controversy; but it is to be placed last, other questions being put before it. *Turnebus.* See iii. 9, 6, and note.

point. 28. With this process the rule that "we should descend from what is common to what is particular," is not much at variance; for what is common is mostly general. *Some person has killed a tyrant*, is a common or general proposition; *a certain person has killed a tyrant*,* *a woman has killed him, his wife has killed him*,† are particular propositions.

29. I used also to select those points in which I agreed with my opponent, provided they were to my purpose, and not only to press such matters as he admitted, but to multiply them by division; as in this case:‡ "A general, who, in a competition for public honours, had come off superior to his father, was taken prisoner by the enemy, certain deputies, going to ransom him, met the father on the road as he was returning from the enemy's camp, who said to them, 'You are going too late.' 30. The deputies searched the father, and found a sum of money in gold concealed in the breast of his robe; they then proceeded to their place of destination, and found the general fixed to a cross, who uttered the words, 'Beware of the traitor.' The father was accused." What is admitted on both sides? *That treason was signified, and signified by the general.* We try to find the traitor. *You admit that you went to the enemy, and went secretly; that you returned in safety, brought away gold, and had the gold concealed.*

31. What the accused has done, is sometimes set forth very forcibly in the statement of the case, and, if it takes possession of the mind of the judge, his ears are almost closed against the defence. In general, it is to the advantage of the accuser to amass facts, and of the defendant to separate them. I used also to do, with regard to the whole subject of a cause, that which I noticed§ as being done in regard to arguments; that is to say, stating all the particulars that could possibly be urged against me, and overthrowing them one after another, I left nothing remaining but that which I wished to be believed. 32. Thus, in charges of prevarication,‖

* *Virum tamen tyrannum occidit.*] There seems to be some unsoundness in the text here; there is a variety of readings.

† The allusion is to Alexander of Pheræ, who was killed by his wife Thebe. See Cicero de Inv. ii. 49.

‡ See Seneca, Controv. xxii. § V. 10, 66.

‖ Those advocates are said to prevaricate who set aside true charges

it may be argued, *The accused could have been acquitted only by the establishment of his innocence, or by the intervention of some authority, or by force or bribes having been offered to the judges, or through the difficulty of proof, or through prevarication: That he was guilty you admit; no authority interposed; there was no force offered; you do not complain that the judges were bribed; there was no difficulty in the way of proof; and what remains, then, but that there must have been prevarication?* 33. If I could not set aside all the points against me, I at least set aside the greater number. For instance, *It is acknowledged that a man was killed; not in a solitary place, to lead me to suspect that he was killed by robbers; not for the sake of booty, for he was not rifled; not in the hope of inheriting anything, for he was poor; Malice must then have been the cause: But who was his enemy?* 34. This method, of examining everything that can be said, and of rejecting as it were one particular after another, in order to arrive at the strongest point, not only facilitates the art of division, but also that of invention. Thus, *Milo is accused of killing Clodius: He either killed him or did not kill him*: It would be safest *to deny* that he killed him, but if that cannot be done, it must be allowed that he killed him *either justly or unjustly;* and we must doubtless say *justly:* He killed him then either *intentionally* or *through necessity;* for *ignorance* cannot be pretended: 35. Whether there was *intention*, is doubtful, but, as people think that there was, we must attempt some defence of it, and say that the intention was *to serve his country.* Or shall we say that he killed him *through necessity? The encounter with him was then accidental, and not premeditated; one of them therefore was lying in wait:* Which of the two? *Assuredly Clodius.* Do you see how the necessary chain of circumstances leads us to the ground of defence? 36. Let us consider further: *He certainly either wished to kill the lier-in-wait Clodius, or he did not;* it is safer if we can say that he *did not: Then the attendants of Milo must have done the deed, without orders from Milo, and without his knowledge.* But this timid mode of defence detracts from the credit of

and proofs, and put forward such as are groundless, acting in collusion with the accused person. We call those prevaricators, says Ulpian, who betray the cause, which they profess to support, to their adversaries. *Capperonier.*

our assertion, that Clodius was justly killed. 37. We must therefore add, *The attendants acted in such a way as each of us would wish his own attendants to act.* This kind of practice is the more useful, as it often happens that nothing that presents itself pleases us, and yet something must be said. We should accordingly contemplate the cause under every aspect; and thus either that which is best will be discovered, or that which is least bad. Occasionally we may turn to advantage the statement of our adversary; for that it is sometimes equally to the purpose of both parties, has been observed in the proper place.*

I know that it is discussed in some authors, in many thousands of lines, how we may discover which party ought to speak first; but this is decided in the forum either by the rigour of formulæ, or by the nature of the process, or, finally, by lot. 38. In the schools such inquiries are of no importance, since it is allowable to make a charge and to refute it, in the same declamation, as well on the side of the prosecutor as on that of the defendant.† But in most suits it cannot even be determined which party has a right to precedence; as in the case, *A father, who had three sons, one an orator, another a philosopher, and a third a physician, divided his property by his will into four parts, and gave one part to each of the three, directing that the fourth part should go to him who should be of most service to his country.* 39. They go to law; who ought to speak first, is uncertain; though the statement of the case is clear; for we must begin with him whose part we take. Such are the directions that may be given about division in general.

40. But how shall we find out questions that are more obscure? Just as we discover thoughts, words, figures, style; namely, by the exercise of our ability, and by care and practice. Scarcely anything, however, will escape a speaker, unless he be inattentive, if he will, as I remarked,‡ but take nature for his guide. 41. But many orators, affecting a character for eloquence, are content with arguments that are merely showy, or that contribute nothing to the establishment of their case.

* IV. 4. 8.

† *A possessore.*] *Possessor* is here used, in a strange and surprising sense, for *defensor*. Spalding.

‡ Sect. 26.

Others think that they let nothing escape them, while they merely contemplate what presents itself to their own eyes. That what I say may be the better understood, I will give a case from the schools, one not very difficult or new, as an example: 42. *Let the son who neglects to plead for his father on a trial for treason, be disinherited. Let the man who is found guilty of treason, be banished with the advocate who pleads for him. A father was accused of treason; one of his sons, who was a man of eloquence, appeared as advocate for his father; the other, an illiterate man, did not appear at all; the father was found guilty, and went with the son who pleaded for him into exile. The illiterate son, after distinguishing himself by his bravery, obtained of his country, as a reward,* the recall of his father and his brother. The father returned and died intestate; the illiterate son sues for a portion of his property; the eloquent son claims the whole of it.* 43. In this case those men of eloquence, to whom we appear ridiculous, as being anxious about causes that rarely occur,† will seize upon the favourable characters. Their pleading will be *for the illiterate against the eloquent son; for the brave against the unwarlike; for the benefactor against the ungrateful; for him who desires only a part of his father's property, against him who would allow no portion of it to his brother.* 44. All these are points in the cause, and a great support to it, but they do not secure victory. In such a cause, the thoughts sought by such orators will be, if possible, daring or obscure, (for obscurity is now a virtue,) and they will think that they come off well in the matter if they distinguish themselves with sufficient clamour and noise. Those, again, whose object is better, but whose regard is confined to that which readily presents itself, will see the following points as it were swimming on the surface: 45. *That the illiterate son was excusable for not appearing at the trial, as he could have been of no assistance to his father; that the eloquent son has little ground for blaming the other for his absence, as the father was found guilty; that he who procured his father's recall deserves to inherit his father's property; and that the other son is of a covetous, unnatural,*

* See v. 10, 97.

† *Circa lites raras.*] Such as the imaginary cases of the schools, as Gesner and Spalding understand the words. Obrecht conjectured *paratas*, which Burmann was inclined to favour.

and ungrateful disposition, as he refuses to share the inheritance with a brother to whom he owes so much; they will see also that a question may be raised as to the letter and intent of the law, and that, unless this question be settled, there can be no room for anything else to follow. 46. But he who shall follow nature, will doubtless reflect thus: that the illiterate son will say, in the first place, *My father, dying intestate, left two sons, my brother and myself; and I claim part of his property by the common law of nations.* Who indeed is so thoroughly foolish and ignorant, that he would not commence thus, even though he knows not what a proposition is? 47. This common law of nations the pleader will moderately commend, as being extremely just. It then follows, that we consider what can be replied to so equitable a claim. A reply presents itself at once: *The law directs that a son who does not defend his father when accused of treason is to be disinherited; and you did not defend your father.* On this proposition will naturally follow some praise of the law, and some censure of the son for not defending his parent. 48. Hitherto we have had to do only with what is admitted. Let us again turn our attention to the claimant: will he not, unless he be utterly senseless, plead thus? *If the law stands in the way, there is no ground for an action; the trial is a mere form.* But that there is a law in the way, and that it punishes that of which the illiterate son was guilty, is undoubted. What then shall we say on his behalf? *I was illiterate.* 49. But the law was in force; it comprehends all men; it will be of no use to allege want of education. Let us inquire, then, whether the law can be invalidated in any point. What does nature suggest, (for to nature I must frequently appeal,) but that when the letter of a law is against us, we must look to the intention of it? The general question then arises, *Whether we ought to rest on the letter, or on the intention, of any law?* But concerning law in general we may dispute for ever; nor has this point ever been fully decided. We must inquire, therefore, whether in this particular law, about which we are concerned, anything can be found that is at variance with the letter of it. 50. The law says, then, *Whatever son has not defended his father, shall be disinherited.* What? *Whatever son,* without exception? Considerations such as these will then present themselves of their own accord: *Suppose that*

a son who was but an infant, or one who was sick, or one who was out of the country, or in the army, or on an embassy, did not defend his father, would he be disinherited? Something considerable has now been gained; a son may not have defended his father, and yet not be disinherited.

51. Let him, however, who has so far meditated on the case, "pass over," as Cicero says, "after the manner of a Latin flute-player,"* to the side of the eloquent son. He will say, *Though I allow the reasonableness of such exceptions, you were not an infant, or out of the country, or serving in the army* Will anything else occur to the other son, but to say, *I am illiterate.* 52. But the eloquent son will make the obvious reply, *Though you could not plead for your father, you might have appeared at his side;* and the remark is just. The illiterate son must consequently recur to the intention of the lawgiver: *He intended*, he will say, *to punish unnatural conduct, but I have not behaved unnaturally.* 53. In reply to which the eloquent son will say, *You did act unnaturally, as you incurred the penalty of being disinherited, though penitence or desire of distinction has since gained you the privilege of this kind of option.*† *Besides, it was through you that your father was found guilty; for you seemed to have already decided on his case.* To this the illiterate son will reply, you rather were the cause that he was found guilty; *for you had offended many people, and excited enmity against our family;* conjectural allegations, as will also be that which the illiterate son may say in the way of excuse for his absence, that *it was the object of his father not to expose his whole family to danger.* Such are the considerations that come under the first question as to the letter and intent of the law.

54. Let us direct our attention further, and examine whether anything more may be found out, and, if so, how it may be discovered. I purposely imitate the manner of one inquiring, that I may teach the student how to inquire, and laying aside all regard to ornaments of style, lower myself to promote the advantage of my pupils. Hitherto we have drawn all our

* Cic. Pro Muræn. c. 12. The flute-player on the stage turned from one actor to another, as each proceeded to speak. That the flute-players at Rome were Latins appears from Livy, ix. 30.

† So that, when you might have asked a reward for yourself, you asked the recall of your father and brother. *Gesner.*

questions from the person of the claimant; why should we not ask some questions regarding the father? The words of the law are, *Whatever son has not defended his father, shall be disinherited.** 55. Why may we not ask this question, *Whether such is the case, whatever be the character of the father whom he has not defended?* We ask such a question frequently in those cases in which sons are prosecuted, as liable to the penalty of imprisonment, who do not support their parents; as the son that did not support his mother who had given evidence against him when he was accused of not being a Roman citizen; and he that did not maintain his father who had sold him to a dealer in slaves, But with regard to the father of whom we are speaking, of what argument can we lay hold? *He was found guilty.* 56. *Does the law then relate only to fathers who are acquitted?* A hard question at first sight. But let us not despair. It is probable that the intention of the legislator was, that the aid of children should not be wanting to innocent fathers. But the illiterate son would be ashamed to allege this intention, because he acknowledges that his father was innocent.† 57. The law, however, *Let him who is found guilty go into exile with his advocate*, furnishes another argument in the cause. It seems scarcely possible that a penalty should have been directed against a son, in reference to the same father, whether the son appeared in his defence, or did not appear. Besides, no law has any relation to exiles.‡ It is not, therefore, probable that this law was intended to refer to the advocate of the person condemned; for can any property be possessed by an exile? The illiterate son, whether he looks to the letter or to the intention of the law,§ makes it doubtful whether he was called upon to defend his father. 58. The eloquent son will both cling to the words of the law, in which no exception is expressed, and will say

* Dictum non est, *Cui quis non affuerit.*] Several manuscripts have *dictum verò est*, which is adopted by Capperonier and others; and Spalding, for *Cui quis*, very judiciously proposes to read *Quisquis*

† Were he to make such allegation, he would represent himself as culpable in not appearing in support of his father.

‡ It cannot therefore be supposed that the law (about disinheriting) was intended to affect the advocate of the condemned person, who was necessarily an exile. *Spalding.*

§ *In utrâque parte.*] I translate these words in the sense attributed to them by Gesner.

that *it was from this very consideration that the penalty of being disinherited was denounced against sons who should not defend their fathers, lest they should be deterred from defending them by fear of banishment, and that the illiterate son did not appear on behalf of an innocent father.* It is well deserving of remark that from one *state** may spring two general questions: *Whether every son is obliged to defend his father?* and *Whether every father has a right to expect defence from his son?* 59. All our questions hitherto have arisen from two persons;† as for the third, which is that of the adversary, no question can arise about him, because there is no controversy about his share of the property.‡ Let our investigations, however, be still pursued; for all that has been said might have been said even though the father had not been recalled from exile. Nor let us fix immediately on the reflection which readily presents itself, that *his recall was procured by the illiterate son.* He that shall sagaciously consider that point, will find his view directed to something further; for as species follow genus, so genus precedes species.§ 60. Let us suppose, therefore, that his recall had been procured by another; a question of ratiocination and syllogism‖ will arise, *Whether the recall is equivalent to a repeal of the sentence, and places the father in the same position as if judgment had not been pronounced against him?* Here the illiterate son will proceed to say that *he could not have obtained the restitution of his property, being entitled to one reward only,*¶ *by any other means than by procuring the recall of his father on the same understanding as if he had never been accused; an understanding which also annulled the penalty of the advocate, as completely as if he had not appeared on behalf of his father.* 61. We then come to that which presented itself to us at first, that *the*

* III. 6, 1.

† The father and the illiterate son. *Spalding.*

‡ *De suâ parte.*] De parte quam ex paternâ hæreditate vult capere. *Capperonier.*

§ For though a man is an animal, it does not follow that an animal is a man. *Regius.*

‖ See note on iii. 6, 15.

¶ By setting aside the sentence, not by obtaining pardon; for pardon, if granted, must have been extended to the father and his advocate, and would thus have been accounted as two rewards. So Spalding and Turnebus interpret.

father's recall was procured by the illiterate son. Here we again proceed to reason *whether he who procured the recall ought not to be regarded in the light of an advocate, as he effected that which the advocate sought to effect; and that it is not unfair that that should be received as equivalent which is more than equivalent.* 62. What remains is a question of equity: *which of the two makes the more rightful claim.* This question, too, admits of division: *Even if each claimed the whole property,* —and, *surely, when the one claims but half, and the other the whole, to the exclusion of his brother.** But, even when these points are discussed, the memory of the father will have great influence with the judges, especially when the question is about the disposal of his property. It will, therefore, be a subject for conjecture, *what intention the father had in leaving no will at his death.* But this relates to quality, which is matter for another state.† 63. It is, however, at the conclusion of causes that questions of equity are generally considered, because there is nothing to which judges listen with greater‡ readiness. Yet expediency will occasionally cause a change in the order; for instance, if we have but little confidence that the law will be in our favour, we may work on the minds of the judges at the commencement by considerations of equity.

On this head I have no further directions to give in general. 64. But let us now proceed to consider the several parts of judicial causes; and though I cannot pursue them to the *last species,*§ that is, to every particular form of question and process, I may yet treat of them in a general way, so as to show under which state each kind of cause commonly falls. And as it is naturally the first question in a case *whether what is alleged occurred,* it is with this that I shall begin.

* Even if each claimed for himself the whole inheritance, the claim of the illiterate son would seem the more just; and certainly, when the illiterate son claims but half, and the eloquent son the whole, the claim of the illiterate son must appear as just again as that of the other. *Capperonier.*

† That of quality. See iii. 6, 1, *seq.*

‡ For then they seem to be more at liberty in forming their decision, being less restricted by the rigour of the law. *Capperonier.*

§ VII 1, 23.

CHAPTER II.

Conjecture relates to fact and intention, and to three divisions of time, § 1—6. The question may regard the fact and the agent at the same time, or the fact only, or the agent only, 7—10. Concerning both together, 11—15. Concerning the fact only, 16, 17. Concerning the agent; *anticategoria*, 18—21. Comparison managed in several ways, 22—24. Conjecture sometimes twofold, 25—27. Proof from persons, 28—34. From motives and causes, 35—41. Intentions, opportunities, place, time, 42, 43. Consideration whether the accused had the power to do the act with which he is charged, 44, 45. Whether he did it, 46—49. Other considerations in different causes, 50—53. Error carried from the schools into the forum, 54—57.

1. All conjecture has reference either to *fact* or *intent*. To each belong three parts of time, the *past*, the *present*, and the *future*. Concerning *fact* there are both *general* and *particular* questions; that is, such as are not limited to the consideration of certain circumstances, and such as are so limited. 2. About *intent* there can be no question, unless where there is a person concerned, and a fact is admitted. When the question, then, is about a fact, it is to be considered either *what has been done*, or *what is being done*, or *what is going to be done*. Thus, in general questions, we inquire *whether the world was formed by a fortuitous concourse of atoms; whether it is ruled by a providence; whether it will one day fall to pieces;* in particular questions, *whether Roscius has committed parricide;** *whether Manlius is aspiring to sovereignty; whether Cæcilius will justly prosecute Verres.*† 3. In judicial pleadings past time is most concerned; for no man accuses another but for something that has been done; while what is actually taking place, or is likely to take place, is inferred from the past. It is a subject for inquiry, also, *whence a thing has proceeded*, as, concerning a pestilence, *whether it arose from the anger of the gods, from the bad state of the atmosphere, or from the corruption of the waters, or from noxious exhalations from the ground.* Concerning a fact, too, *what was the cause of it;* as, *why did fifty princes sail to Troy, whether from being bound by an oath, or from being led by example, or from a desire to oblige the sons of Atreus?* These two kinds of questions ‡

* Cicero pro Rosc. Amerino.

† Cicero Div. in Q. Cæcilium.

‡ Whence a thing arose; and what was the cause of an act. *Spalding.*

are not very different. 4. As to matters that concern the *present time*, if they are not to be discovered by proofs, from circumstances which must have preceded, but by the senses, they have nothing to do with conjecture; for example, if it should be asked at Lacedæmon *whether walls are in the course of erection at Athens.* But the state of conjecture, which may seem foreign to this head, has also a place under it,* as when it is inquired respecting any individual, *who he is;* as it was a question, in the action against the heirs of Urbinia,† *whether he who laid claim to the property as a son was Figulus or Sosipater:** 5. The person of the man was under the eye of the court, so that it could not be inquired *whether he was*, (as we inquire whether anything *is* beyond the ocean,)‡ nor *what he was*, nor *of what nature*, but *who he was.* This kind of question, however, depends for decision on the past, as *whether this Clusinius Figulus was born of Urbinia.* Such causes have been tried in my time, and some of them have come under my advocacy. 6. Conjecture with regard to *intent* has reference doubtless to all the parts of time, as *with what intent was Ligarius in Africa? With what intent does Pyrrhus solicit peace? How will Cæsar feel, if Ptolemy kills Pompey?*§

Questions of conjecture and quality are made with regard to magnitude, species, and number, as, *whether the sun is greater than the earth; whether the moon is spherical, plane, or conical; whether there is only one world or several.* 7. Nor are such questions confined to physical subjects; for we inquire, *whether the Trojan or Peloponnesian war was the greater; what sort of shield was that of Achilles; whether there was but one Hercules.*

But in judicial causes, which consist of accusation and defence, there is *one* kind of question, that of conjecture, in which the inquiry is about an *act*, and the *author of it.* This sometimes embraces the two questions in one, and both are alike denied; sometimes considers them separately, as when it is first inquired, *whether the act was committed or not*, and, if it was, *by whom it was committed.* 8. The consideration of the act itself, also, sometimes embraces a single question,

* Though some might be disposed to refer such questions rather to the state of quality. *Spalding.*

† IV. 1. 11. ‡ III. 8, 16. § III. 8, 56.

as *whether a man died*, sometimes two, as *whether he died of poison or disease of the stomach.* There is *another* kind of conjectural question which regards the *act* only, when, if the act be admitted, there can be no doubt as to the author of it; and a *third*, which has reference only to the *author* when the act is acknowledged, but it is disputed by whom it was committed. 9. But that which I have specified in the third place, is not always confined to one question, for the accused person may either simply deny that he himself committed the act, or may assert that another committed it; nor is there one mode only of throwing the charge upon another person, for sometimes there arises *mutual accusation*,* which the Greeks call ἀντικατηγορία, and some of our writers *accusatio concertativa;* sometimes the guilt is thrown upon some person not implicated in the cause, which person is sometimes known and sometimes unknown; and when it is thrown upon one that is known, it may be imputed to one out of the question, or to the deceased, as having killed himself intentionally. 10. In these cases there is a comparison of persons, motives, and other things, similar to that which there is in ἀντικατηγορία: as Cicero, for example, in pleading for Varenus, throws a suspicion of guilt on the slaves of Ancharius; and, in speaking for Scaurus, with reference to the death of Bostar, turns the imputation of it on Bostar's mother. 11. There is also a kind of comparison contrary to this, in which each party claims the credit of some act, and another in which persons are not opposed, but only facts, that is, when it is inquired, not *which of two persons did a thing*, but *which of two things was done.* When the question is settled about the *act* and the *agent*, we may then inquire about the *intention.*

I now proceed to speak of particulars. When a charge is denied, both as to the act and the agent, it is denied in this way: *I have not committed adultery; I have not aspired to regal power.* On trials for murder and poisoning, such a distinction as the following is very common: *The deed has not been committed, or, if it has been, I am not guilty of it.* 12. But when the accused says, *Prove that the man was murdered*, the weight of the argument falls wholly on the accuser, for nothing else will be said against him on the part of the accused,

* C. 1, sect. 3.

except perhaps some suspicions, which he ought to throw out as vaguely as possible; because, if we fairly assert a point, we must make it good, or be in danger of being found guilty; for as, while the question lies between what is advanced by our opponent and what is advanced by ourselves, the statement of either party may be presumed to be true, so, when the point on which we take our stand is overthrown, we may be hard pressed on all the remaining points. 13. But when a cause turns on the ambiguous symptoms of *disease of the stomach* or *poisoning*, there is no third point, and, therefore, each side must hold to what it has alleged. Sometimes the question is about the nature of the thing itself, whether it was *poisoning* or *disease of the stomach*, when arguments are drawn from circumstances, independently of any consideration of the person. 14. For it is of importance to inquire, whether *a banquet preceded the death*, or *any serious transaction;* whether *toil* or *ease*, *wakefulness* or *sleep*. The age of the deceased, too, may have some influence on the decision; and it is of consequence to know whether he *died suddenly*, or *was wasted with long illness*. If it be sudden death only that calls for consideration, there will be a still wider field for discussion for both parties. 15. Sometimes proof respecting an act is sought from the character of the accused party; as, *it is credible that poisoning was the cause of death, because it is credible that poisoning was committed by the accused;* or, *it is incredible that the accused was guilty of poisoning, therefore it is incredible that poisoning was the cause of death.*

But when there is a question at the same time regarding the *person accused*, and the *deed of which he is accused*, the natural order of things is for the accuser to prove first of all that the deed was committed, and then that it was committed by the accused. If, however, he find more proofs bearing on the person, he may change that order. 16. The accused, on the other hand, will make it his first object to deny that the deed was committed; because, if he succeeds in establishing that point, he has no need to say anything further; while, if he is defeated on it, there may remain some other means for him to establish his innocence. In cases, also, where there is a dispute about *fact only*, and where, if the fact is proved, there can be no doubt as to the agent, arguments are in like manner drawn from *persons* and from *circumstances*, though with

regard to the question of fact simply. **17.** This is the case (for I must adduce such examples as are most familiar to learners) in the following subject of controversy: *A son, who had been disinherited by his father, devoted himself to the study of medicine. His father falling sick, and every other physician despairing of saving his life, the son, being consulted, said that he would cure him, if he would take a draught which he would give him. The father, after drinking part of the draught that he had received, said that poison had been given him; the son drank what was left; the father died; the son was accused of parricide.* 18. Here it is known who gave the draught; and, if it was poison, there can be no doubt as to the author of the poisoning; but *whether it was poison* must be decided by arguments arising from the character of the accused.

There remains a third kind of conjectural causes, in which it is admitted that a *deed* has been done, but there is a question about the *author* of it. Of such cases it is superfluous to give an example, since abundance of trials on such points occur; as when it is acknowledged that *a man has been killed*, or that *sacrilege has been committed*, but the person who is accused of the deed denies that he is guilty of it.

Hence arises *ἀντικατηγορία*, or recrimination; it being admitted that a deed has been done, while each party charges the other with the commission of it. 19 As to this kind of cause, Celsus tells us that it cannot occur in the forum; a fact of which I suppose that nobody is ignorant. The judges are assembled to decide the case of one accused person; and if the accused and the accuser bring charges against each other, the judges must choose which of the two cases they will try.* 20. Apollodorus also says that *ἀντικατηγορία* includes two causes; and doubtless, according to the practice of the forum, there are two distinct cases. Yet this kind of conjectural cause may come under the cognizance of the senate or the emperor. But even on ordinary trials it requires no difference in the pleadings;† for the decision that is given affects both

* The judges must give the preference to one of those, who come forward with reciprocal accusations, over the other, and direct him alone to assume the character of accuser; and thus all *anticategoria* is excluded from the forum. *Spalding.*

† *Actionum.*] *Actiones* here mean the speeches of the advocates. *Spalding.*

parties, though sentence is pronounced only on one.* 21. In this kind of cause defence must always have the precedence: first, because to protect ourselves is of more importance to us than to injure our adversary; secondly, because we shall have greater weight in accusing, if our own innocence be first established; and, lastly, because it is only by this order of things that the cause can become double; for he who says, *I did not kill*, leaves it free for himself to add *you killed*, but he who first says, *you killed*, renders it superfluous to say afterwards, *I did not kill*.

22. Such causes, moreover, depend on *comparison*, which is managed in more than one way; for we either set the whole of our cause against the whole cause of our adversary, or particular arguments on our side against particular arguments on his. Which of these two modes ought to be adopted in any case, can only be decided by considering which is the more likely to be of service to it. Thus Cicero, in pleading for Varenus, compares, in regard to the first head of accusation, argument with argument; for he has the advantage,† as the person of a stranger is but rashly compared with that of a mother. It is best, therefore, that particular arguments should, if possible, be overthrown by particular arguments; but if we find a difficulty as to certain parts, we must fight with the whole force of our cause in a body. 23. But whether the parties accuse one another; whether the accused turns the guilt on the accuser without any formal accusation; (as Roscius throws it on his accusers, though he does not bring them before the judges:) or whether a deed be attributed to persons whom we assert to have perished by their own hand,‡ the arguments of the two parties are matched in the same way as in causes which involve recrimination. 24. That species, however, of which I spoke last,§ is often handled not only in the schools, but also in the forum; for, in the case of Nævius of Arpinum,‖ the question was merely *whether his wife had*

* When one gains his cause, the other loses; when one is condemned, the other is acquitted.

† This I presume to be inexplicable, as the speech of Cicero for Varenus is not extant. *Gesner.*

‡ See sect. 9, fin.

§ Here, and in B. v. c. 9. *Gesner.*

‖ Of this person and his cause nothing further is known. An occurrence of a similar nature is mentioned by Tacitus, Ann. iv. 21,

been thrown down by him, or had thrown herself down of her own accord. My pleading in that cause is the only one that I have hitherto published; and I acknowledge that I was induced to publish it by a youthful desire for fame. As for the other pleadings, which are circulated under my name, they are so corrupted by the carelessness of the short-hand writers who took them down to make profit of them, that they contain very little genuine matter of mine.

25. There is also another kind of conjectural cause, involving two questions, differing from ἀντικατηγορία, and relating to rewards; as in the following case: *A tyrant, suspecting that poison had been given him by his physician, put him to the torture. As he persisted in denying that he had given poison, the tyrant sent for another physician, who said that poison had been given him, but that he would administer an antidote; he then gave the tyrant a draught, and the tyrant, immediately after drinking it, died.* The two physicians dispute about the reward for tyrannicide; and as, in a case of ἀντικατηγορία, where each party endeavours to throw the blame on the opposite, so in this case, where each party makes a claim, *persons, motives, means, opportunities, instruments,* and *evidence* are brought into comparison. 26. Another kind of case also, though there is no recrimination in it, is treated in the same manner as one of recrimination; I mean that in which it is inquired, without accusing any one, *which of two things has taken place;* for each side makes its own statement, and supports it; as, in the suit concerning the property of Urbinia,* the claimant says that *Clusinius Figulus, the son of Urbinia, finding the army, in which he was serving, defeated, fled, and after being thrown into various adventures, and even kept prisoner by a king, made his way at length into Italy, and arrived at his native place Margini,† where he was recognized:* Pollio, on the other hand, asserts *that he was a slave to two masters at Pisaurum; that he practised medicine; and that, being set free, he joined himself to another person's company of slaves, and*

which Burmann erroneously supposed to be the same as that to which Quintilian alludes.

* IV. 1, 11.

† A place unknown to me; nor have I been able to find any town in Italy of such a name. There was a *Marcina* in Picenum; see Cluver. Ital. Antiq. iv. 6. *Burmann.*

requesting permission to serve with them, was purchased.* 27. Does not the whole action consist of a comparison of two allegations, and two distinct questions for conjecture? But the mode of proceeding for those who claim property or resist claims to it, is the same as that for persons prosecuting and defending in civil suits.

Grounds for conjecture are drawn in the first place from the *past*, in which are comprehended *persons*, *motives*, *intentions*. For the order in which we have to consider evidence as to any act, is, whether the party charged with the commission of it had the *will* to do it, had the *power* to do it, and whether he *actually did* it.†

28. Hence we must consider, first of all, what sort of character he is against whom a charge is brought; and it is the business of the accuser to make whatever he imputes to the accused appear not only disgraceful, but as consistent as possible with the crime for which he is brought to trial. For instance, if he reproaches a man *accused of murder* with being *incontinent*, or *adulterous*, such dishonourable imputations will indeed hurt him, but will be of less avail to support the charge than if he prove him to be *daring*, *headstrong*, *cruel*, or *rash*. 29. The advocate of the accused, on the other hand, must make it his object, if possible, to refute, justify, or extenuate such allegations; or, if he find it impracticable to do so, the next thing is to separate them from the question before the court; and many imputations of that nature are not only irreconcileable with the charge, but tend to overthrow it; for example, if a man who is accused of theft be represented as *prodigal* or *careless* of his property; for disregard of money, and covetousness, do not seem likely to meet in the same character. 30. If such means of defence fail, he must have recourse to the remark, that the question has no reference to the imputation; that he who has committed one offence has surely not been guilty of all kinds of offences; that the accusers had the audacity to make such false charges only because they hoped

* *Ut eis serviret.*] What I have given in the text is not an exact translation of these words; for, as Gesner and Spalding observe, it is not easy to see what is meant by them, nor how they are to be connected. Gesner, for *eis*, proposes *ei*, that is Urbinia; but this seems foreign to the purpose. Obrecht gives *uti serviret*.

† All the three particulars seem to refer to will or intention; at least so it would appear from sect. 44, where we find the words, "*Excussâ primâ parte* an voluerit." *Spalding.*

that the accused, being injured and wounded by them, would be overwhelmed by a weight of slander.

31. Other allegations may be made by the accusers, against which common-place arguments rise in opposition. In such a case, the advocate of the accused may commence with arguments drawn from his character; and this sometimes *generally*, as, *It is incredible that a father should have been killed by his son; or that a general should have betrayed his country to the enemy.* To such arguments it is easily answered, either, that *every sort of crime may be committed by the bad, and is, indeed, daily detected among them*, or, that *it is monstrous that charges should be denied on the ground of their atrocity.* 32. Sometimes *particularly;* a mode which may have various results; as dignity, for example, sometimes supports an accused person, and at other times is turned into a proof of his guilt, on the representation that the hope of impunity was conceived from it; and in like manner poverty, humility, wealth, are set in different lights according to the ability of each party.* 33. Good morals, however, and integrity in the past time of life, must always be of great influence in favour of an accused party. If no attack is made on his character, his advocate will dwell strongly on that circumstance; while the accuser will try to confine the attention of the court to the question before it, on which alone judgment is to be pronounced, and will observe that *every offender must have committed a first offence*, and that the commencement of guilt is not to be celebrated by a feast of glorification.† 34. Such will be the observations which the accuser will make in reply; but in the early part of his pleading he will impress the mind of the judge in such a way as to be thought rather to have been unwilling to throw out imputations than to have been unable. Hence it is better for the accuser to abstain from casting any reflection on the past life of the accused, than to attack him with light or frivolous charges, or such as are manifestly false, because the credit of his other statements would thus be diminished; and he who

* *Ut cuique ingenio vis est.*] This appears to me a strange construction; I should prefer *ingenii*, or *ut quisque ingeniosus est.* Spalding.

‡ Per ἐγκαίνια.] *Encœnia* was a feast at the dedication of a temple, or at the opening of any new building. It would be ridiculous in an advocate to excuse his client's first offence in such terms as to make it appear more of a subject for exultation than for condemnation. Taking the passage as sound, this seems to be the only sense that can be given to it. But its soundness is very doubtful.

throws out so imputations may be thought to have abstained from them as being superfluous, while he who throws out groundless imputations shows that his only* chance of success lay in attacking the past life of the accused, a point on which he chose rather to be defeated than to be silent. 35. Other considerations, derived from the character of individuals, I have fully noticed where I have treated of the sources of arguments.†

The next sort of proof is derived from *motives*,‡ in which are chiefly to be regarded *anger*, *hatred*, *fear*, *avarice*, *hope*; for all others fall under some variety of these. If any of them be attributable to the accused, it is the part of the accuser to make it appear that motives may stimulate a person to any act whatever, and to exaggerate the force of those motives on which he lays hold for the support of his arguments. 36. If none of them are attributable to him, he may shape his speech in such a way as to insinuate that there may have been latent motives, or may observe that it is to no purpose to consider from what motive the accused committed the crime, if it is apparent that he did commit it; or he may say that the crime is the more detestable from there having been no motive for it. The advocate of the accused, on the other hand, will insist, as often as possible, on this point, that it is incredible that any crime can have been committed without a motive. On this consideration Cicero dwells with great force in many of his speeches, and especially in that for Varenus, who had everything else against him, and was in consequence condemned. 37. But if a motive is alleged by the accuser for the crime, the advocate of the accused may say that the motive is false, or frivolous, or was unknown to the accused. Motives may sometimes be imputed to the accused to which he must be a stranger; for instance, it could not be known, he may say, *whether the deceased intended to make him his heir by whom he is said to have been killed, or designed to prosecute him.*§ If other grounds of defence fail, we may say that motives are not necessarily to be regarded, for what person can be found that does not *fear*, *hate*, and *hope*, but that most entertain those feelings without violating the moral duties? 38.

* I read *unum*, instead of *varium*, with Spalding.
† V. 10, 3—32.
‡ See sect. 27.
§ *An hæredem habuerit, an accusaturus fuerit, eum à quo dicitur*

Nor must the advocate omit to observe that *all kinds of motives do not prevail with all kinds of persons;* for though poverty may have incited some persons to steal, it could have had no influence with a Curius or a Fabricius.

39. Whether we should speak of the *motive* or of the *person* first, is a question; and different courses have been adopted by different orators; with Cicero motives generally take the precedence. But to me, unless the nature of a cause gives a preponderance to either, it seems more natural to commence with the person; since for the accuser, for instance, to say *either the charge is credible of no one, or it is credible of the accused*, is a more general proposition, and a more just division. 40. Yet regard to convenience may change that order, as it changes many other things. Nor are motives for the wilful commission of an act only to be sought, but motives that may have misled to the commission of it, as drunkenness, or ignorance; for as these lessen the culpability when the quality of an act is considered, so they tend greatly to establish a question regarding fact.* 41. However, I know not whether a person can ever be the subject of a charge, (I mean in a real cause,) without one or other party speaking of him; but concerning motives it is often superfluous to inquire, as in cases of adultery and theft, because the crimes themselves carry their motives on the face of them.

42. In the next place, it seems necessary to look to *views*,† which open a wide field for consideration: as, *whether it be probable that the accused hoped that such a crime could be executed by him; that when he had committed it, it would not be known; or that, if it were known, it would be forgiven, or visited with a*

occisus?] This is the way in which Spalding points the text, in order that *eum* may refer to both the preceding clauses. The Romans, says Turnebus, often made several wills, and we may on that ground say that it was unknown to the accused whether he was heir to the deceased; for though he might have been aware that he was named as his heir in one will, he could not have been certain that he was named as heir in his last will.

* In speaking of the quality of an act, we may often make a concession, and say that it was done through ignorance, imprudence, intoxication; and such considerations may tend to make it seem pardonable; but in a question of fact considerations of that nature tend rather to strengthen the evidence of it; for example, if a person accused of adultery denies that he is guilty, and it be said that he was intoxicated at the time. *Turnebus.*

† See sect. 27.

light or tardy punishment, or one from which he would feel a less portion of inconvenience than he would experience of gratification from the commission of the deed; or whether he thought it worth so much to undergo the penalty. 43. Afterwards it may be considered *whether he might have done the deed at another time, or in another way, or with greater facility or security;* a method adopted by Cicero in defence of Milo, when he specifies the number of occasions on which Clodius might have been killed by Milo with impunity. Besides, we may ask why the accused should have preferred to make an attack in *that place*, or *at that time*, or *in that manner*, (arguments which are also most ably enforced in the same pleading,) 44. or *whether, if he was led by no design, he was hurried away by impulse, and without reason*, (for it is a common saying, that *crimes have no reason*,*) or *whether he was led away by a habit of vice.*

The first point, *whether he had the will*, being discussed, the next consideration is, *whether he had the power.*† Under this head are contemplated *place* and *time;* as, with respect to a theft, whether it was committed in a solitary or frequented place; in the daytime, when there might have been many witnesses, or in the night, when the difficulty of proof is greater. 45. All obstacles and opportunities, indeed, will be taken into consideration; they are numerous and well known, and require no examples. This second head is of such a nature, that, *if the crime could not have been committed*, the trial comes to nothing; if *it could*, the question follows, *Did the accused commit it?* But these considerations respect also conjecture as to intention, for it is inferred from these *whether he hoped to effect his purpose.* In consequence means ought also to be regarded, as the suites of Clodius and Milo.

46. The question, *whether the accused committed the crime*, commences with the second division of time, that is, the present, and that which is closely connected with it, to which belong *noise, cries, groans*, or anything similar;‡ to subsequent

* *Scelera non habere consilium.*] A saying of the same nature as, *Quem deus vult perdere prius dementat.* The last French translator gives "le crime et la folie vont de compagnie." With the Hebrews the wicked were identical with the foolish.

† See v. 10, 50, and sect. 27 of this chapter.

‡ See v 10, 45.

time belong *concealment*, *terror*, and such circumstances. To these are to be added all kinds of signs or indications, of which I have already treated ;* as well as *words* and *acts*, both such as preceded and such as followed. 47. These words and acts are either our own or those of others. But some words hurt us *less* than others ; our own words hurt us more and profit us less than those of others ; those of others profit us more and hurt us less than our own. As for acts, sometimes our own profit us more, and sometimes those of others, as when our adversary has done anything that appears in our favour ; but our own always hurt us more than those of others. 48. There is also this difference to be observed in words, that they are either plain or equivocal ; but whether they are our own or those of others, those which are equivocal must necessarily be less effective either to benefit or to injure. Our own, however, are often injurious to us, as in the well-known case, *A son being asked where his father was, replied, wherever he is, he is alive ;† but he was found dead in a well.* 49. The words of another which are equivocal, can never hurt us, unless when the author of them is uncertain or dead ; as in the cases, *A voice was heard in the night, Beware of tyrannical power :* and, *A dying man being asked from whom he received the poison of which he was dying, replied, It is not expedient for you to know ;‡* for if there be any one that can be questioned as to the meaning, he will put an end to the ambiguity. 50. But while our own words and acts can be justified only by reference to the intention, those of others may be refuted in various ways.

In what I have said, I have spoken, I think, chiefly with reference to one kind of conjectural causes ;§ but something of these is applicable to all kinds of causes ; for in questions

* B. v. c. 9.

† *Ubicunque est, vivit.*] What is equivocal here? I suppose the word *vivit*, which might be taken for *bibit* ; non *vivebat* in puteo pater, sed *bibebat*. That there was a continual confusion of the letters *b* and *v* is known to every one who is conversant with the writers of antiquity ; and especially to those who have examined the Florentine pandects. *Gesner.* No other commentator offers any explanation.

‡ These are two imaginary cases from the schools, quite unconnected. *Spalding.*

§ The remarks which Quintilian has hitherto made are to be understood as referring chiefly to trials for murder. *Turnebus.*

respecting theft, deposits, and loans of money, arguments are derived both from possibilities, as *whether there was any money that could have been deposited*, and from persons, as *whether it was credible that such a person deposited money with such another person*, or *whether it was credible that he lent money to such a person ; whether it is probable that the prosecutor is a slanderer*, or *that the defendant is an impostor or a thief.* 51. But even in the case of a person accused of theft, as in cases of murder, there is an inquiry about the deed and the author of it. In regard to cases of *loan* and *deposit* there are two questions, but always separate,* *whether the money was given*, and, *whether it was returned.* Cases of *adultery* have this peculiarity, that two parties are generally imperilled in them, and that something must be said of the past life of both; a question, however, may arise, in some cases, *whether both ought not to be defended together ;* but the decision of this point must depend on the nature of the case ; for if the defence of one party will support the other, I should take them together, if it is likely to be injurious to it, I would separate them. 52. But lest any one may think me inconsiderate in saying that adultery is *generally* a charge against two persons, but not *always*, I would add that a woman *alone* may be accused of adultery with an unknown person : *Presents*, it may be said, *have been found in her house, and money, of which the giver has not been discovered ; and love letters, of which it is doubtful to whom they were written.* 53. In regard to *forged writing*† the case is similar; for either several persons may be charged with the crime, or one only. The writer of an instrument however will always find it necessary to guarantee the signature of the person who has signed it ; but the person who has signed it cannot always guarantee the handwriting of him who is said to have written it ; for he may be deceived. But he who is said to have engaged their services, and for whom the instrument is alleged to have been written, will have to support both the writer and all who signed the writing. The sources of proof are similar in cases of *treason* and of *aspiring to sovereignty.*

* In regard to a deposit it may sometimes be inquired whether the accuser really deposited money, and whether it was ever returned ; but these questions will hardly be asked at the same time. *Turnebus.*

† See b. v. c. 5 ; and c. 10, sect. 19.

54. But the custom in the schools, of considering every thing in our favour that is not in the argument laid down for us,* may be prejudicial to young men proceeding to the forum. You accuse me of adultery: *who is witness? who testifies to the fact?* of treason: *what reward have I received?*† *who was privy to the transaction?* of administering poison: *where did I buy it? from whom? when? for how much? through whose hands did I convey it?* Or we plead in defence of one accused of aspiring to tyranny, *where were his arms? what guards had he assembled?*‡ 55. I do not deny that such questions may be asked, or that we may urge them on behalf of the party whom we defend; for I myself would call for such proofs in the forum, if I should find my adversary not in a condition to give them. But in the forum we miss the facility for asking such questions that there is in the schools, where scarcely a single cause is pleaded in which some argument of this kind, or perhaps several, are not advanced. 56. Similar is the ease with which some declaimers, in their perorations, assign parents, children, or nurses, to whomsoever they please. Yet we may more reasonably allow a speaker to call for proofs that are not offered than to discuss them as if they were offered.

How we must examine as to *intention*, was sufficiently signified when we distinguished§ the three points of inquiry, *whether a person had the will, whether he had the power*, and *whether he did the deed;* for in the same manner as it is inquired *whether a person had the will*, so it is inquired *with what intent he acted*, that is to say *whether he intended to do an evil act.* 57. The order in which circumstances are stated, also, either adds to the credit of the statement, or detracts from it; and so much the more as the circumstances are more or less consistent or inconsistent with each other. But these qualities are not discovered but by reference to the connexion of a cause throughout. Yet we must always observe what particular agrees or suits with any other particular.

* See iv. 2, 28.

† *Quis index? quod pretium?*] Spalding very justly supposes that the word *proditionem* has fallen out of the text between *index* and *quod*. I have accordingly inserted "of treason" in the translation.

‡ All the texts have *quos contraxi satellites*, but the context seems to require *contraxit*.

§ Sect. 27.

CHAPTER III.

Of *definition;* it has something in common with *conjecture* and *quality*, § 1, 2. Various reasons why it is used, 3—7. Three species of it, 8—11. Other diversities, more suited to philosophical discussions than to the business of the orator, 12—16. We must beware of defining too subtilely, 17, 18. Method in definition, 19—22. How a definition is overthrown, 23—27. A general definition may be adapted to our own cause, 28—34. Some concluding remarks, 35, 36.

1. NEXT to conjecture respecting a fact comes *definition* of it, for he who is unable to prove that he has done nothing, will try, in the next place, to make it appear that he has not done that which is laid to his charge. Definition is accordingly managed, for the most part, by the same methods as conjecture, the *kind* of defence only being changed,* as we may see in cases of *theft*, *deposits*, or *adultery;* for as we say, *I have not been guilty of theft, I did not receive a deposit, I have not committed adultery*, so we say, *what I did is not theft, what I received was not a deposit, what I committed is not adultery.* 2. Sometimes we proceed from quality to definition, as in actions regarding *madness*, *bad treatment of a wife*, and *offences against the state*, in which, if it cannot be said that what is laid to the charge of the accused was rightly done, it remains to say, that to act thus is *not to be mad, to treat a wife ill, to injure the state.*

Definition, then, is *an explication of something in question, proper, clear, and concisely expressed.* 3. It consists chiefly, as has been said,† in the notification of *genus*, *species*, *differences*, and *peculiarities;* as, to define a horse (for I shall adopt a well known example), the genus is *animal*, the species *mortal*, the difference *irrational* (for man is also a mortal animal,) and the peculiarity *neighing.* 4. Definition is frequently used in pleading causes, for many reasons; for sometimes parties are agreed upon the term, but differ as to what is to be included under it; and sometimes the thing is clear, but there is a doubt as to the term to be applied to it. When there is an agreement about the name, and a doubt about the

* For in conjectural cases the fact is simply denied; in cases of definition an objection is made to the term applied to the fact. This is the change which Quintilian means. *Turnebus.*

† V. 10, 55.

thing the decision sometimes depends upon conjecture; as when it is asked, *what is God?* 5. For he* who denies that *God is a spirit, diffused through every part of the universe*, does not say that the term *divine* is improperly applied to his nature, like Epicurus, who has given him a human form, and a place in the spaces between the worlds. Both† use one term, but are in doubt which of the two natures‡ is consistent with the reality. 6. Sometimes it is quality that is to be considered, as, *What is oratory? is it the power of persuading, or the art of speaking well?* This kind of question is very common in civil causes; thus it is inquired, *whether a man found with another man's wife in a brothel is an adulterer?* because the question is not about the name, but the quality of the act, and whether the man has been guilty of any offence at all; for if he has committed any offence, he can be nothing else but an adulterer. 7. It is a definition of a quite different kind when the question is wholly about a term, the application of which depends on the letter of the law, and which would not be discussed in a court of justice, but for the words which give rise to the dispute. Thus it is inquired, *whether he who kills himself is a murderer; whether he who forced a tyrant to kill himself is a tyrannicide;* and *whether the incantations of magicians are poisons;* for about the thing itself there is no controversy, as it is known to all men that it is not the same to kill one's self as to kill another, to kill a tyrant as to drive him to suicide, to recite incantations as to administer a draught of poison, but it is a question whether they do not, respectively, come under the same denomination.

8. Though I hardly dare to dissent from Cicero,§ who, following many authorities, says that definition is always concerned about a thing itself and something else, (as he that denies that a certain term is applicable to a certain thing, is obliged to show what term would be more applicable,) yet I consider that there are, as it were, three species of it.‖ 9. For sometimes it is convenient to put a question thus:

* The Stoic.

† Both the Stoic and the Epicurean. *Spalding.*

‡ A diffused spirit or a human form. *Spalding.*

§ See iii. 6, 31.

‖ I follow Regius's reading *in eandem tres habeo velut species.* Most texts omit *in.* Gesner and Capperonier would read *in e dem.*

Is that adultery which is committed in a brothel? When we deny that it is adultery, it is not necessary to show by what term it ought to be called, for we deny the whole charge. Sometimes the inquiry is made thus: *Is this act theft or sacrilege?* Not but that it is sufficient for the defence that it is not sacrilege; still it is necessary to show what else it is: and consequently both theft and sacrilege must be defined. 10. Sometimes, again, it is a question with regard to things of different species, whether one can come under the same denomination as the other, when each has its own proper appellation, as a *philtre*,* and *a dose of poison*. But in all disputes of this kind the question is *whether this also comes under the same term*, because the term, about which the dispute is, is acknowledged to be applicable to something else. *It is sacrilege to steal what is sacred from a temple; is it also sacrilege to steal from it private property? It is adultery to lie with another man's wife in her own house? is it also adultery to lie with her in a brothel? It is tyrannicide to kill a tyrant; is it also tyrannicide to drive a tyrant to kill himself?* 11. Accordingly *syllogism*, of which I shall speak hereafter,† is, as it were, a weaker kind of definition; because in the one, it is inquired whether the same term is applicable to the thing in question as is applicable to something else; and, in the other, whether one thing is not to be reasoned about in the same manner as another. 12. There is also so much difference in definitions, that it is doubtful, as some think, whether the same thing can be defined in more than one form of words:‡ as, whether rhetoric can be defined not only as *the art of speaking well*, but also as *that*

* VIII. 5, 31. † In the eighth chapter of this book.

‡ *Est et talis finitionum diversitas, ut quidam sentiunt, num idem diversis verbis comprehendatur.*] So stands this passage in all the editions, but who has been satisfied with it, I know not; though some of the commentators pass it in silence. Spalding conjectures *ut qui idem sentient, non iisdem verbis comprehendant;* but he proposes this conjecture with timidity, and it has the disadvantage of necessitating the change of *rhetorice* and *scientia*, immediately following, into the accusative case. What I have given is nearly a translation of the Abbé Gedoyn's French: "Les definitions sont si diverses, selon quelques-uns, que cette diversité donne lieu de douter si une chose peut se definir dans des termes differents." The unsatisfactory state of the text seems to arise from something having fallen out of it.

of conceiving and expressing thoughts well, and *of speaking with the full force of language*, and of *saying what is to the purpose*. Yet we must take care that different definitions, though not at variance in sense, be expressed in a different form of words. But this is a subject for discussion among philosophers, not in courts of justice. 13. Sometimes words that are obscure, and but little known, require definition, as *clarigatio*,* *proletarius*.† Sometimes also words that are well known in common speech, as what is the exact meaning of *penus*, "provisions,"‡ and *litus*, "a shore."

This variety is the reason that some authors include definition in the state§ of conjecture, others in that of quality; others even rank it among legal questions.‖ 14. Some have not been at all pleased with that subtilty of definition which is adapted to the manner of logicians, thinking it rather fitted for cavilling about the niceties of words in the discussions of philosophers than likely to be of any service in the pleadings of orators. For though, they say, definition is of avail, in discussion, to hold in its fetters him who has to reply, and to force him to be silent, or to admit, even against his will, that which is to his prejudice, yet it is not of the same use in legal arguments; for in them we have to *persuade* the judge, who, though he may be fettered by our words, will yet, unless he is satisfied with our matter, mentally dissent from us altogether. 15. What great necessity, indeed, has a pleader of such preciseness of definition? If I do not say *Man is an animal mortal and rational*, can I not, by setting forth his numerous qualities of body and mind, in words of a wider scope, distinguish him from the gods or from brutes? 16. Is it not generally allowed, too, that one thing may be defined in more

* Properly "a demand of satisfaction from an enemy under penalty of a declaration of war." From *clarigo, āre*, i. e. *clarum ago*, or *clarâ voce ago*. "Clarigatum, id est, res captas clarè repetitum." Plin. H. N. xxii. 2. See Livy, i. 32.

† From *proles*, "offspring;" one of the lowest class of the people, who were not usually called to serve in war, and were regarded as able to serve the state only by producing children. See Festus, and Aul. Gell. xvi. 10.

‡ As being laid up *penitus*, in the inner part of the house. Unless it be from *penes*, as being *quod penes nos est*. See Aul. Gell, iv. 1.

§ See v. 14, 34. ‖ III. 6, 1, *seqq.* ¶ III. 6, 46, 55.

ways than one, (as Cicero * shows, in saying, *quid enim vulgo; universos*, "for what are we to understand by publicly? All men,") and with a freedom and variety of manner, such as all orators have ordinarily adopted? Since, assuredly, the slavery of binding ourselves to certain words, (for slavery it indisputably is,) which has its origin in the practice of the philosophers, is very seldom to be seen in them; and Marcus Antonius, in the books of Cicero *de Oratore*,† expressly cautions us against attempting such exactness; 17. for it is even dangerous,‡ since, if we err but in one word, we are likely to lose our cause entirely; and the best course is that middle one which Cicero adopts in his oration for Cæcina,§ and in which *things* are set forth, but exactness of *terms* is not hazarded. *For*, says he, *judges*,‖ *that is not the only kind of violence which is offered to our persons and our lives, but there is a far more atrocious kind of violence, which, threatening us with the peril of death, often unsettles the mind, alarmed with terror, from its proper state and condition.* 18. Or we may be secure, I may add, by letting proof precede definition; as when Cicero, in his Philippics,¶ first establishes that Servius Sulpicius was killed by Antony, and then, in conclusion, defines thus: *for he certainly killed who was the cause of death.* I would not deny, however, that such rules are to be observed in pleading only as far as they are serviceable for our cause; and that if a definition can be made, at once strong, and expressed in a concise form of words, it is not only an ornament to our speech, but has very great effect, provided that it be impregnable.

19. The invariable order in definition is *what a thing is*, and *whether it is this*;** and in general there is more difficulty

* Pro Muræn, c. 35.
† II. 25.
‡ Compare iv. 5, 2.
§ C. 15.
‖ *Recuperatores.*] Judges appointed by the prætor in private or civil causes, and named from *recupero*, "to recover," because people might recover property by their means, or because they decided on the restitution of property unjustly taken away. *Capperonier.*
¶ IX. 3.
** L'ordre invariable de la definition est celui-ci: *Qu'-est-ce*, par exemple, *qu'un sacrilége? Le fait incriminé est-il un sacrilége?* Gedoyn. The act is that of killing a man; but is it murder? of stealing; but is it sacrilege?

in establishing the definition than in applying it to the matter in hand.

As to the first point, *what a thing is*, there are two objects to be regarded; for our own definition is to be established, and that of the opposite party is to be overthrown, 20. Hence in the schools, where we imagine contradiction offered to us, we have to lay down two definitions as exact as is possible for each party. But what we have to observe in the forum is, that our definition be not, possibly, *superabundant*, or *nothing to the purpose*, or *ambiguous*, or *inconsistent*, or *equally favourable to both sides;* faults that cannot happen except through the unskilfulness of the pleader. 21. But, if we would define accurately, we shall be likely best to effect our object, if we first settle in our mind what we wish to establish; for our words will thus be exactly suited to our purpose. That this point may be the clearer, let us still adhere to our familiar example: *A man who has stolen private property from a temple, is accused of sacrilege.* 22. The fact is not disputed; the question is, whether the term sacrilege, which is in the law, is applicable to the offence. It is accordingly disputed *whether the act is sacrilege.* The prosecutor adopts the term, *because the money was stolen from a temple;* the defendant denies that it is *sacrilege, because he stole private property*, but admits that it was *theft.* The advocate of the prosecutor, therefore, will define thus, *It is sacrilege to steal anything from a sacred place;* while the advocate of the defendant will define in this way, *It is sacrilege to steal anything sacred.* 23. Each, too, will try to overthrow the definition of the other; and a definition is overthrown in two ways, by being proved to be *false* or *incomplete.* It may indeed have a third fault, that of having no relation to the matter under consideration, but it will hardly be made faulty in this respect, except by fools. 24. We make a false definition, if we say, *A horse is a rational animal;* for a horse is indeed an animal, but irrational.*

* There is little doubt that something has dropped out of the text here, probably through the negligence of transcribers. Spalding very judiciously considers that the passage may have stood originally thus: Falsa est, si dicas, *Equus est animal rationale;* nam est equus animal, sed rationale. Parum plena, si dicas, *Equus animal irrationale;* commune enim ei cum aliis multis est *irrationale*; quod autem commune, &c. "It is a false definition, if you say, *A horse is a rational animal;*

That, again, which is common to anything else, will not be peculiar to the thing defined. Thus, then, the accused will say that the definition of the accuser is false; while the accuser cannot say that that of the accused is false; for *it is sacrilege to steal anything sacred;* but he will say that it is incomplete, since he ought to have added, or *from a sacred place*. 25. But for establishing and overthrowing definitions, one of the most effective modes is to have recourse to the consideration of *peculiarities* and *differences*, and sometimes also to *etymology*. All these particulars equity, as in other matters, will assist to support, and sometimes, also, conjecture. *Etymology* is but rarely introduced. We have one example of it in Cicero: *For what is a* tumult,* *but such a perturbation that greater fear* (timor) *arises? whence also the term* tumult *is derived.* 26. But about *peculiarities* and *differences* great subtility is displayed; as when it is inquired *whether an* addictus,† *whom the law condemns to serve until he pays his debts, is a slave.* The one party will define thus: *He is a slave who is legally in slavery;* the other: *He is a slave who is in slavery under the same legal conditions as a slave;* or, as the ancients said, *qui servitutem servit*, "who serves as a slave." Yet this last definition, though it differs somewhat from the other, is feeble, unless it be supported by the aid of peculiarities and differences; for the opponent will say that the *addictus* does serve as a slave, or under the same legal conditions as a slave. 27. Let us look, then, to the peculiarities and differences on which I touched lightly, in passing, in the fifth book: A *slave*, when he is set free, becomes a *freedman;* an *addictus*, when he recovers his liberty, is *ingenuus;*‡ a *slave* cannot obtain his liberty without the consent of his master; a *slave* has no benefit of law;§ an *addictus* has. What is

for a horse is indeed an animal, but irrational. It is an incomplete one, if you say, *A horse is an irrational animal;* for to be *irrational* is common to a horse with other beasts; and that which is common to anything else will not be peculiar," &c.

* Cic. Philipp. viii. 1. *Tumultus* is generally supposed to be from *tumeo*, "to swell;" Cicero seems to derive it from *timeo*, "to fear."

† See v. 10, 60; iii. 6, 25.

‡ A free-born citizen. From *ingeno*, or *ingigno*, *ingenui;* born in the country, or born among other citizens, and in the same condition with them.

§ As they are not *cives*, the *jus civile* does not extend to them. *Turnebus.*

peculiar to a *freeman*, is that which no one has who is not free, as a *pronomen*, *nomen*, *cognomen*, and *tribe;* and these an *addictus* has.

28. When it is decided *what a thing is*, the question, *whether it is this*, is almost settled. However, we have to take care that our definition be favourable to our own cause. But what is most influential in a definition is the question of quality, as *whether love be madness?* To this question belong such proofs as Cicero says are proper to definition; proofs from *antecedents*, *consequents*, *adjuncts*, *contraries*, *causes*, *effects*, *similitudes;* of the nature of which arguments I have already spoken.* 29. Cicero, in his speech for Cæcina,† gives a concise example of arguments from *beginnings*, *causes*, *effects*, *antecedents*, *consequents: Why then did they flee? For fear. What did they fear? Violence, doubtless. Can you then deny the beginning, when you have admitted the end?* He has also recourse to similitude: *Shall not that which is called violence in war, be called by the same name in peace?* 30. But arguments are also drawn from contraries; for instance, if it be inquired *whether a philtre be poison or not, because poison is not a philtre.*

That the other kind of definition may be better known to my young men, (for I shall always think them my young men,)‡ I shall here give an example of a fictitious case. 31. *Some youths, who were in the habit of associating together, agreed to dine on the sea-shore. One of them being absent from the dinner, the others erected a sort of tomb to him, and inscribed his name upon it. His father returning from a voyage across the sea, landed at that part of the coast, and, on reading his son's name, hanged himself.* 32. These youths are said to have been the cause of the father's death. The definition of the accuser will be, *He that commits any act that leads to the death of another, is the cause of the other's death.* That of the accused will be, *He who knowingly commits any act by which the death of another must necessarily be caused*, etc. But setting aside definition, it is enough for the accuser to say, *You were the cause of the man's death; for it was through your act that he died, since, if you had not acted as you did, he would now be alive.* 33. To this the advocate of the accused will reply, *He by whose act the death of a person has been*

* V. 10, 73—94. † C. 15. ‡ His old pupils.

caused, is not necessarily to be condemned for it; else what would become of accusers, witnesses, and judges, in cases of life and death? Nor is there always guilt in the person from whom the cause proceeded; for instance, if a person recommends a voyage to another, or invites a friend from over the sea, and he perishes by shipwreck, or if he invites a person to supper, and he dies of a surfeit committed at it, would he be guilty of the death of any of those persons? 34. *Nor was the act of the young men the sole cause of death, but also the credulity of the old man, and his weakness in enduring affliction; for if he had had more fortitude or wisdom, he would be still living. Nor did the young men act with any bad intention; and he might have judged, either from the place of the supposed tomb, or from the marks of haste in its construction, that it was no real sepulchre. How then ought they to be punished, who, though they may seem to be homicides in every other respect, are evidently not so in intention?*

35. Sometimes there is a settled definition, in which both parties agree. Thus Cicero says, *Majesty resides in the government and in the whole dignity of the Roman people.* But it may sometimes be a question *whether this majesty has been injured*, as was the case in the cause of Cornelius.* 36. But even if† such a cause be thought similar to one dependent on definition, yet, as there is no dispute in it about definition, the point for decision must be one of quality, and must be included in that state which we happen to have had occasion to mention. It was however the subject next in order.

* There are many observations on the majesty of the people, and the means by which it may be violated, in Cicero de Invent. ii. 17, *seqq.*, and Partit. Orat. c. 30; but in the fragments that remain of the speech for Cornelius there is nothing relating to the subject. *Gesner.*

† We must read *Sed etiam* si *similis*, as Spalding observes in a note, though he forbears to insert the *si* in his text.

CHAPTER IV.

The consideration of quality may have regard to more points than one in any matter. § 1—3. The strongest kind of defence is when the accused says that the deed laid to his charge was blameless, 4—6. We may defend an act by extrinsic aids, 7—12. Another mode of proceeding is to transfer the guilt to another, 13, 14. We may consider whether the weight of the charge can be extenuated, 15, 16. Deprecation, 17—20. Questions about rewards, 21—23. Considerations of quality admit the highest efforts of the orator, 24. Causes which Virginius puts under this head, 25—31. Other species of causes, 32—34.

1. As to *quality*, it is sometimes considered in the most comprehensive sense,* and in reference to more points than one; for it is sometimes a question *what is the nature of a thing*, and *what is its form*, as *whether the soul is immortal*, and *whether God is of human shape;* sometimes the inquiry is about magnitude and number, as *what is the size of the sun? Are there more worlds than one?* All such questions are indeed to be solved by conjecture, but they involve the question of *quality*. 2. They are also often treated in deliberative questions, as, if Cæsar should deliberate *whether he should make war on Britain*, he would have to inquire *what is the nature of the ocean there; whether Britain is an island* (for the point was then unknown); *what extent of land there is in it;* and *with what number of forces it would be proper to attack it.* Under the head of quality, too, falls the consideration of what ought to be done or not done; to be sought or to be avoided; matters which enter most into deliberative questions, but also present themselves frequently in judicial pleadings, the only difference being that in one case the question regards the future, in the other the past. 3. All that relates, too, to the demonstrative kind of oratory falls under the consideration of quality; it is admitted that something has been done; it is to be shown what sort of a thing has been done. All judicial causes relate either to *reward*, or to *punishment*, or to the *measure* of one or the other. The first kind of cause is accordingly either *simple* or *comparative*, in the former we inquire what is just; in the latter, what is more just; or what is most just.

When the point for decision has respect to punishment, there is offered on the part of him who is accused, either *justifi*

* *De summo genere.*] De totâ rei naturâ. *Turnebus.*

cation of the charge, or *extenuation* of it, or *excuse*, or, as some think, *deprecation*.*

4. Of these the most efficient is *justification*, by which we make it appear that the act, which is laid to the charge of the accused, was unobjectionable. *A son is disinherited because he has served in the army, or been a candidate for office, or taken a wife, without the consent of his father;* the father justifies what he has done. The followers of Hermagoras call this kind of defence κατ' ἀντίληψιν, "contrasumption," using that term with reference to the mind of the pleader.† I find no literal translation of the word in Latin; but it is called *defensio absoluta*, "absolute defence." 5. The sole question, however, is respecting the act, whether it is just or not. Whatever is just, is founded either on *nature* or on *human institutions*. 6. On nature is based whatever is consonant to dignity of anything, in which designation are comprehended the virtues *piety*, *integrity*, *continence*, etc. Some also add *to render like for like;* but that is not to be lightly admitted; for though *violence opposed to violence*, or *retaliation*, may offer no injustice towards him who has been the aggressor,‡ yet§ it does not follow that, because the act of each party is similar, the first act was just. Where there is strict justice on both sides, there is the same *law*, and the same *condition;* and perhaps no acts can be regarded as equal that are in any respect dissimilar. *Human institutions* consist of *laws*, *customs*, *decisions*, *arguments*.

7. There is another mode of defence, in which we justify an act in itself indefensible by aids drawn *from without;* this the Greeks call the defence κατ' ἀντίθεσιν, "by opposition." The Latins also do not render this literally, for among them it is called *causa assumptiva*, "defence by assumption." 8. In this kind of defence the strongest plea is when we justify the act by the motive of it; such is the plea of Orestes, Horatius,

* V. 13, 5.

† *Ad intellectum id nomen referentis.*] The term ἀντίληψις, which signifies *contrasumptio*, the followers of Hermagoras understand, not of any corporeal act or *sumptio*, but of the action of the mind of the advocate, who, in contemplating the matter in question, thinks that it is to be regarded in a different light from that in which his adversary views it. *Capperonier.*

‡ Cicero de Inv. ii. 22.

§ *Et non, quoniam.*] Gesner would very properly read *Sed non.*

and Milo. It is also called ἀντέγκλημα, "recrimination," because all our defence depends on accusing the person who is indicated by the other party: *He was killed, but he was a robber; he was emasculated, but he was a ravisher.* 9. There is also another kind of defence derived from the motives of an act, which differs from that just mentioned, and in which a deed is neither justified on its own ground, as in the *absolute defence*,* nor by opposing another deed to it, but on the representation of its having been of some service to our country, or to some body of men, or even to our adversary, or sometimes to ourselves, provided it be such a deed as we might lawfully do for our own benefit; an argument which can be of no profit with regard to an accuser who is a stranger to us, and who prosecutes us according to the letter of the law, but which may be of use in reference to family disputes. 10. For a father may without presumption say to his children, on a trial for renouncing them, or a husband to his wife, if he is accused of treating her ill, or a son to his father, whom he seeks to prove insane, that what he has done was for his own interest; but, in such cases, the plea of escaping loss is much better than that of aiming at advantage. 11. Cases similar to those of the schools have to be conducted in trials about real occurrences; for the case of the *renounced* children in the schools is in the forum a case of children actually disinherited by their parents, and seeking to recover their property before the centumviri; the case of *ill-treatment* in the schools is in the forum a *case of restoring a wife's dowry*, in which the question is, *through whose fault the divorce was caused;* and that which in the schools is a case of *insanity* is in the forum a suit for *appointing a guardian.* 12. Under the head of advantage comes also the plea that something worse would have happened if the defendant had not acted as he did; for in a comparison of evils the less is to be regarded as a good; for example, *if Mancinus should justify the treaty with Numantia on the ground that, if it had not been made, the whole Roman army would have been destroyed.* This species of defence is called in Greek ἀντίστασις, "balancing." Some rhetoricians call it *comparison.*

13. Such are the modes of proceeding in defence of an act; but if a defence can neither be sustained on the motive of the act itself, nor by extrinsic aid, our next course is to *transfer the*

* Sect. 4.

charge, if we find it possible, on another party. Hence *translation*, or "exception," has been regarded as forming one of those *states* which have been previously mentioned.* Sometimes, then, the blame is thrown on a person, as if *Gracchus, being accused of concluding the Numantine treaty*, (through fear of which accusation he seems to have passed his popular laws in his tribuneship,†) *should say that he was sent to conclude it by his general.* 14. Sometimes it is cast on some circumstance, as if *a person who had been directed to do something in the will of another, and had not done it, should say that it was rendered impossible by the laws.* This the Greeks call μετάστασις, "transference."

Should these modes of defence fail us, there remains *excuse*, founded either on *ignorance* or on *necessity*. On ignorance: as *if a person should brand another as a fugitive slave, and, after he is decided by law to be a freeman, should excuse himself by saying that he did not know that he was free.* On necessity: as *when a soldier does not present himself at the end of his furlough, and alleges that he was hindered by floods or by sickness.* 15. *Chance*, also, is sometimes represented as the cause of a fault. Sometimes, too, we state that we have certainly erred, but that we acted *with a good intention.* Of both these kinds of excuses examples are so numerous and obvious that to offer any here is unnecessary.

If, again, none of those means which have been mentioned can avail us, we must see whether the charge can be *extenuated.* This is what is by some said to be the *state of quantity.*‡ 16. But quantity, when it relates either to penalty or reward, is decided by the quality of the deed, and accordingly appears to me to fall under the state of quality, as well as quantity used with reference to number. The Greeks have the terms πηλικότης, "magnitude," and ποσότης, "multitude;"§ we include both under the same term.

17. The last method of all is *deprecation;* a mode of address which most rhetoricians do not allow to be admissible

* *Qui jam scripti sunt.*] *Qui jam descripti sunt.* Obrecht. See iii. 6, 53, 78.

† The words in the parenthesis are very justly suspected by Spalding to be an interpolation.

‡ *Status quantitatis.*] See iii. 6, 23, 53, 91. *Spalding.*

§ See iii. 6, 23, 50, 53, 90, 91; and viii. 2, 6.

into judicial pleadings; and Cicero himself, in his speech for Quintus Ligarius,* seems to declare himself of the same opinion, when he says, *I have pleaded many causes, Cæsar, and even in conjunction with yourself, while regard to your public duties retained you in the forum, but I certainly never stooped so far as to say,* "Forgive him, judges, he has erred, he has offended, he did not think of what he was doing; if he ever do so again," *etc.* 18. But in the senate, before the people or the emperor, and wherever there is power to relax the law, deprecation finds its place. It sometimes derives its greatest efficacy *from the character of the accused himself,* if it appear, from his previous life, that there are these three kinds of merit in him: that he has lived innocently, that he has been serviceable to others, and that he affords expectation that he will conduct himself blamelessly for the future, and make himself of some use to the world; and if, in addition, he seems to have already suffered sufficient, either from other inconveniences, from his present imminent peril, or from penitential feelings. Sometimes, too, *external circumstances* give weight to deprecation, as nobility, dignity and the support of relatives and friends. 19. Most dependence however is to be placed on the judge, if we can make it appear that, should he spare the accused, commendation for clemency, rather than blame for weakness, will attend him. But even in common causes †, deprecation is often introduced, though not through the whole course of a cause, yet in a great portion of it; for there is frequently such a distinction as this made: *Even if he had been guilty of the charge, he ought to be pardoned;* a method which has often had great effect in doubtful questions; and all perorations contain some portion of entreaty. 20. Sometimes, too, the accused rests the whole of his cause on this ground; for instance, if a father has disinherited his son,‡ and testified, by an express declaration §, that he did so *because he had*

* C. 10.

† *Judiciis.*] As distinguished from pleadings before the senate or the emperor.

‡ Parents might disinherit their children if they led an immoral life; but children who had been disinherited, as well as those not named in the will, might go to law after the father's death to set aside the will. *Turnebus.*

§ *Elogio.*] *Elogium* was a testimony concerning any person, whether for the purpose of blame or praise; of blame, as in this passage; of

formed a connexion with a courtezan; for the whole question, in this case, is whether the father ought not to have pardoned such a fault, and whether the centumviri ought not to be indulgent to it. But even under strict forms of law, and in penal prosecutions, we make the distinction in pleading *whether the penalty has been incurred*, and *whether it ought to be inflicted*. However, what the rhetoricians thought,* is true, that a criminal cannot be rescued from the law solely by this mode of defence.

21. With respect to *rewards*, two questions are to be considered; *whether a party claiming a reward is deserving of any;* and *whether he is deserving of so great a reward as he claims*. If there be two claimants, *which of them is the more worthy;* if several, *which is the most worthy*. 22. The decisions of such questions depend on the species of merit in the claimants. We have accordingly to regard, not only the *act* of any claimant, whether as represented to the judges, or as compared with the acts of others, but also his *character;* for it makes a great difference *whether the person who has killed a tyrant is a young or an old man; whether a man or a woman; whether a stranger or a relative;* and we must consider the *place*, too, on several accounts; *whether it were in a state accustomed to tyranny, or one that had been always free; in the citadel, or at his own house;* as also the *manner*, *whether by sword or by poison;* and at what *time*, *whether during war or in peace; when he was about to resign his power, or when he was going to attempt some new wickedness*. Among the recommendations of such an act, also, are to be reckoned *the loss of popularity*, *the risk incurred*, and *the difficulty surmounted*. 23. In regard to liberality, likewise, it is important to consider from *what sort of character* it has proceeded; for it is more pleasing in a poor than a rich man; in one who confers, than in one who requites, an obligation; in a person who has children than in one who is childless. We ought to inquire, too, *what degree of benefaction he has bestowed, at what time*, and *with what object*, that is, *whether with any expectations of advantage to himself*. Similar points are to be considered in a similar manner. The question of quality, accordingly, calls

praise, as in Cic. Tusc. Quæst i. 14. *Quid elogia sepulchrorum*, &c. Regius.

* Sect. 15.

for the greatest resources of the orator; for there is a vast field for ability, whichever side the speaker takes, and the feelings have nowhere greater influence. 24. Conjecture also frequently admits proofs adduced from extrinsic circumstances, and employs arguments derived from the nature of the subject; but to show the quality of an act is the business of eloquence; and it is here that she reigns, predominates, and triumphs.

Under this head Virginius * puts cases of disinheritance, insanity, ill-treatment of a wife, and those of female orphans suing for marriage with relatives.† For the most part, indeed, such cases actually come under the consideration of qualities, and some writers have been found to call them *questions of moral obligation*. 25. But the laws respecting these matters sometimes admit also other states;‡ for conjecture enters occasionally into many such questions, as when the accused parties, for instance, maintain that they have not done what is laid to their charge, or that they did it with a good intention. Examples of such cases are abundant; and those of insanity and ill-treatment depend on definition. For laws often give rise to considerations of equity, when it has to be shown for what reasons equity would not be observed by a strict adherence to the law. 26. What is not justifiable as a legal act, may be defended on the ground of equity. We have to consider, too, in how many and what cases it is unlawful for a father to disinherit his son; under what charges a suit for ill-treatment is inadmissible; and in what circumstances a son is not allowed to accuse his father of insanity.

27. Of disinheriting there are two forms; the one for a crime *completed*, as when a son is disinherited for having committed rape or adultery; the other for a crime as it were *incomplete*, and still dependent on a condition, as when a son is disinherited because he continues disobedient to his father.§ The one is attended with rigorous proceedings on the part of the

* IV. 1, 23.

† A theme for declamation in the schools, taken from the laws of the Athenians, among whom female orphans might sue for a marriage with a relation, as appears from the Phormio of Terence. *Turnebus.*

‡ The text, in this and the following section, appears, as Spalding observes, to be very corrupt. In making my translation, I have adopted *præferre*, with Spalding, for *præcurrere;* I have omitted *tamen* at the beginning of sect. 26; and I read *quos*, instead of *quot*, a little below, with Burmann.

§ *Quia non pareat patri.*] Burmann conjectures *si* for *quia*.

father; (for what is done is irrevocable;) the other is in some degree mild, and of an admonitory nature; for the father shows that he is more inclined to correct his son than to renounce him; but in either case the pleading on the part of the son ought to be in a submissive tone, and adapted to make due satisfaction to the father. 28. I know that those pleaders, who are ready to make attacks on fathers under cover of a figure of speech,* will not allow the justice of this remark; attacks which I would not say should never be made, (for cases may occur that demand them,) but they should certainly be avoided when it is possible to proceed in any other manner. But of *figures* I shall treat in another book.†

29. The suits of wives on account of *ill-treatment* are similar to those of sons in regard to disinheritance; for they require the same moderation in stating charges.

As to actions on account of *insanity*, they are brought either on the ground of something that has taken place, or something that may or may not hereafter take place. 30. In regard to what has taken place, the pleader for the son has an open field for attack, but he should make his attack in such a way as exposes only the conduct of the father, while he should manifest pity for the father himself, as being disordered in mind from weakness of body. But in regard to that which has not taken place, and which admits of a change of purpose, he should use much solicitation and persuasion, and at last express his regret that infirmity, not immorality, obscures his reason; and the more he praises his previous goodness of character, the more easily will he prove that it has been changed by disease. 31. The accused party himself, as often as the case allows, should observe calmness in making his defence; for anger and excitement are indications of insanity. What is common to all such causes, is, that the accused parties do not always attempt a justification of their conduct, but frequently have recourse to apology and entreaties for pardon. For in family disputes it is often sufficient to secure acquittal, if it

* *Libenter patres figurâ lædunt.*] What a figure is, is fully shown by Quintilian, ix. 2, 65, *seqq.* It often happens that orators are ready to attack a father under cover of a figure, that is, to throw out something against him which, at first sight, does not appear calumnious, but in which there is some secret assault on his character. *Gesner.*

† Book ix.

can be shown that a person has offended but once, or through mistake, or less gravely than is laid to his charge.

32. But many other kinds of suits come under the consideration of quality; as those for *assault;* for though the accused sometimes denies that he committed any assault, yet the decision generally depends on the nature of the act and the apparent intent. 33. Another kind of questions are those about appointing an accuser, which are called *divinations;* as to which Cicero, who accused Verres at the solicitation of the allies, adopts the following division: that we must consider by whom those, for whom redress is sought, would most desire the cause to be conducted, and by whom the party, who is accused, would least wish it to be conducted. 34. Such questions as the following, however, are most frequent: which of two pleaders has the stronger reasons for desiring to be the accuser; which of the two will bring the greater energy or ability to support the impeachment; which will carry it forward with greater integrity. 35. To these are to be added also questions respecting *guardianship*, in which it is usual to inquire whether regard ought to be had to anything else besides accounts; *whether honesty only is required to be observed*, and not also care as to speculations and consequences. Similar to these are cases of *mismanagement of agency*, or, in the forum,* cases of *misconduct of business;* for an action may be brought for the mismanagement of anything *intrusted* to another.

36. Besides these, there are imagined in the schools cases of *crimes not mentioned in the laws;*† cases in which it is either inquired *whether the act in question is really not mentioned in the laws*, or *whether it be really a crime.* Both these inquiries rarely occur in the same case. Among the Greeks there were often prosecutions, and not in imaginary cases, for *misconduct on embassies;* where it was a common question, on the ground of equity, *whether it is at all allowable for an ambassador to act otherwise than he has been instructed;* and *for how long a*

* By adding these words, Quintilian signifies that the cases of "mismanagement of agency" were cases from the schools. *Spalding.*

† *Inscripti maleficii.*] So called, says Spalding, in the schools; in the forum it was termed *stellionatus*, properly an action for fraudulent sale of a thing under a false character, as is observed by Cujacius, ix. 13, x. 26, and by Turneb. Advers. x. 6. The Greek rhetoricians had the term *ἄγραφον ἀδίκημα.* See the Declamations attributed to Quintilian, 252, 344, 370, 371; and Seneca the Rhetorician, p. 428.

period the accused was an ambassador; since some ambassadors terminate their office with the delivery of their message; as in the case of Heius,* who, after his message was delivered, gave his testimony against Verres. But much depends on the quality of the act with which the ambassador is charged. 37. Another sort of accusation is that *of having acted contrary to the interests of the state.*† From such accusations arise a thousand legal cavillings: as, *what it is to act contrary to the interests of the state; whether the accused has injured the state; or merely neglected to serve it;* and *whether it was injured by him or only on his account.* But in these cases, again, much depends on the nature of the supposed act. Another charge is that of *ingratitude;* and in cases of that kind it is inquired *whether the party against whom the charge is brought really received any kindness;* an inquiry which is rarely to be answered in the negative; for he who denies the receipt of a kindness which he has received, fixes the charge of ingratitude on himself. 38. Additional inquiries are, *what was the extent of the kindness that he received; whether he made any return at all; whether he who has made no return ought necessarily to be convicted of ingratitude; whether he could have made any return; whether he ought to have made that return which was demanded of him;* and *what is his general disposition.*

Such as follow are of a more simple kind, as that of *unjust divorce;*‡ cases of which, as regards the law, have this peculiarity,§ that the defence is on the side of the accuser, and the accusation on that of the defendant. 39. That, too, in which a person makes a statement to the senate of the reasons that prompt him to kill himself; where the only point of

* *Alii in renunciando sunt.*] Spalding conjectures *aliæ* (legationes) *in renunciando desinunt.* With regard to Heius, who was at the head of the deputation sent by the Sicilians to Rome, (Cic. in Verr. iv. 8) it was made a question whether he should not have returned to Sicily, and reported the result of his embassy, before he proceeded to give testimony against Verres. Burmann fully illustrates the difference between *perferre legationem* and *renunciare legationem.*

† Examples of this sort of cause may be seen in Seneca the Rhetorician, ii. p. 21; also 344, 355, 492, 495; and in Fortunatianus Pithœan. p. 40. *Spalding.*

‡ See the Declamations attributed to Quintilian, 251, 262.

§ The woman, proceeding against her husband, defends her own character; the husband, justifying himself for having divorced her, accuses the wife. *Turnebus.*

law is, *whether he who desires to die, that he may withdraw himself from legal proceedings against him, ought not to be prevented from killing himself;** all other considerations depend on quality. Cases are also imagined regarding *wills*, in which the question has reference to quality alone, as in the case which I have detailed above,† where a philosopher, a physician, and an orator, contend for the fourth part of their father's property, which he had bequeathed to the most worthy of his children. It is a similar case when suitors, equal in rank, claim marriage with a female orphan relative,‡ and when the only question is about the most deserving among the competitors. 40. But it is not my intention to go through all such sorts of cases; (for more might still be imagined;) nor are the questions that arise from them common to all alike, but are varied by circumstances. I only wonder that Flavus,§ whose authority is deservedly great with me, restricted the subject of quality, when he was composing a work merely for schools, within such narrow limits.

41. *Quantity* also, whether with respect to measure or number, falls generally, as I said,‖ if not always, under the head of quality; but measure is sometimes determined by the equitable estimation of an action, as when it is inquired, *how great an offence has been committed*, or *how great an obligation received*, and sometimes by strict legality, as when it is disputed, *under what law a person is to be punished or rewarded.* 42. Thus, *If he who has insulted a youth ought to pay ten thousand sesterces* ¶ (which is the penalty appointed for such an offence,) *ought he, if the youth whom he has dishonoured hangs himself, to be punished capitally, as being the cause of his death?* In such a case, those are deceived who plead as

* A subject for declamation in the schools, taken from a law at Marseilles, where poison was publicly kept for those who wished to drink it, provided that they stated to the senate their reasons for determining to die. See Val. Max. ii. 6. *Turnebus.* See ix. 2, 85; xi. 1, 56; Declam. Quint. 4 and 337; Fortunatianus in Rhett. Pithœan. p. 50.

† VII. 1, 38.

‡ Sect. 24

§ The same whom in sect. 24 he calls by his other name, Virginius. *Spalding.*

‖ Sect. 16.

¶ Something more than £80. See iv. 2, 69.

if there were a question between two laws; for, in regard to the ten thousand sesterces there is no controversy, since they are not claimed. 43. The point to be decided is, *whether the accused was the cause of the young man's death.* The same sort of question regarding measure also, resolves itself, at times, into a question of fact, as when it is disputed, *whether a person, who has killed another, should be condemned to perpetual banishment, or to banishment for five years;* the point for decision is, *whether he committed the murder intentionally or not.* 44. Such a question as the following, too, which arises from number, depends for decision on law: *whether thirty rewards be due to Thrasybulus for removing thirty tyrants:** and when two thieves have carried off a sum of money, *whether each of them ought to restore fourfold or only double.* But in such cases the act† is taken into estimation, and yet the question of law‡ depends on quality.

CHAPTER V.

Questions as to legality of proceedings, § 1—4. As to particular points of law, 5, 6.

1 An accused person who can neither deny that he has committed an act, nor prove that the act which he has committed is of a nature different from that which is attributed to it, nor justify the act, must necessarily take his stand on some point of law that is in his favour; whence generally arises a question about the legality of the process against him,§ a question which does not, as some have thought, always present itself in the same manner. 2. For it sometimes precedes the trial, as in the case of the nice examinations of the prætor, when there is a doubt about the right of a person to be an accuser, and sometimes it occurs in the progress of the trial

* See iii. 6, 26.

† *Factum.*] That is *qualitas facti;* comp. sect. 32. *Spalding.*

‡ *Jus.*] That is *juris quæstio,* or *legalis quæstio.* Spalding. Gedoyn renders this concluding sentence thus: "Mais ici on estime aussi le fait; et le droit lui-même dépend de la qualité." Both the question of fact and the question of law depend on the consideration of quality.

§ *Actionis* est *quæstio.*] See v. 13, 8.

itself. The nature of such a question is twofold, as it is either *intention** or *prescription*† that gives rise to it. There were some who made a *state* of prescription, as if prescription were not concerned in all questions in which other laws are concerned. 3. When a cause depends on *prescription*, it is not necessary that there should be any inquiry about the fact itself. A son, who has been disinherited by his father, raises the question of prescription against him, as being infamous ; and the dispute is then merely on the point *whether the father has the right to disinherit*. As often as we can, however, we must take care that the judge may conceive a favourable opinion of the main question, for he will thus be more inclined to listen to our arguments on the point of law ; as in cases respecting sponsions, which arise from interdicts of the prætor,‡ though the question may not be about right to possession, but merely about possession itself, yet it will be proper to show not only that we were in possession, but that that of which we were in possession was our own. 4. But the question occurs still more frequently with regard to intention. *Let him who has saved his country by his valour choose whatever he pleases as a recompence.*§ I deny that whatever he chooses ought to be given to him ; I have no formal prescription ; but I try to set the intention of the lawgiver, in the manner of prescription, against the written letter. In either case the *state*‖ is the same.

5. Moreover every law either *gives*, or *takes away*, or *punishes*, or *commands*, or *forbids*, or *permits*. It gives rise to dispute either *on its own account*, or *on account of another law;* and to inquiries either with regard to its *wording*, or to its *intention*. As to its wording, it is either *clear*, *obscure*, or *equivocal*. 6. What I say of laws, I wish to be understood of *wills*, *agreements*, *contracts*, and every sort of written instruments ; and even of verbal bargains. And as I have made four states or questions on this head, I will touch upon each of them.

* VI. 4, 2

† III. 6, 7

‡ Concerning *sponsions* and *interdicts* see note on ii. 10, 5.

§ V. 1. 97 ; vii. 10, 6.

‖ That of *exception*, which Quintilian here calls *actionis quæstio*, Capperonier. See iii. 6, 23.

CHAPTER VI.

Questions about *writing*, and *the intention of the writer*, either regard both these points, or one only, § 1—4. Arguments against the *letter* in writings, 5—8. In favour of it, 9—11. General questions under this head, 12.

1 THE question of most frequent occurrence among lawyers is concerning the *written letter* of a law, and the *intention* of it; and it is about such questions that a great part of legal discussion is employed. It is, therefore, not at all wonderful that they prevail in the schools, where cases involving them are purposely invented. One species of this kind of question, is that in which there is a dispute about the *letter* of a law as well as the *intention* of it. 2. This occurs where there is any obscurity in a law, of which each party* supports his own interpretation, and tries to overthrow that of his adversary; as in this case: *Let a thief pay fourfold what he has stolen: Two thieves stole in company ten thousand sesterces;† forty thousand are demanded from each; they represent that they ought to pay only twenty thousand each:* here the prosecutor will say that what he demands is fourfold; and the thieves will say that what they offer is fourfold; and the intention of the law is alleged by each side in its own favour. 3. Or a dispute of this kind may occur when the wording of the law is clear in one sense, and doubtful in another; as, *Let not the son of a harlot be allowed to make a speech to the people;‡ A woman who had had a son by her husband, began to play the harlot: Her son is prohibited from addressing the people.* Here the letter of the law evidently refers to the son of a woman who was a harlot before he was born, and it is doubtful whether the case of the son in question does not come under the law, because he is the son of the woman named, and she is a harlot. 4. It is a common question, too, how the following law, *Let there be no second pleading about the same matter,*§ is to be understood; that is, whether the term second pleading refers to the *pleader*,

* *In eâ aut uterque*, &c.] The student of the text will observe that this *aut* corresponds to the *aut* at the commencement of sect. 3. I have given nothing equivalent for it in the translation.

† See c. 4, sect. 42.

‡ This law is noticed by Hermogenes, p. 16. A law of a similar nature is mentioned by Quintilian, iii. 11, 13. *Spalding.*

§ See Declam. Quint. 266. *Spalding.*

or to the *suit*. Such are the questions that arise from the *obscurity* of laws.

But there are others that arise, and this is the second class, where the words of the law are *clear;* and those who have particularly attended to this point, have called it, *the state of what is expressed and what is intended.* In this case, the one party makes a stand on the letter, and the other on the meaning. 5. But the literal interpretation may be combatted in three ways. One is, when it is shown from the law itself that it cannot be observed invariably, as is the case with regard to the law, *Let children maintain their parents, or be put in prison;* for an infant will surely not be put in prison. From this exception there will be a possibility of proceeding to others, and of making a distinct inquiry *whether every one who does not maintain his parents is to be put in prison*, and *whether the particular person in question.* 6. For this reason* some masters in the schools propose a sort of cases in which no argument can be drawn from the law itself, and in which the only question is concerning the matter that is the subject of controversy. For example, *Let a foreigner, if he mounts the wall, be punished with death: The enemy having scaled the walls, a foreigner repulsed them: It is demanded that he be put to death.* 7. Here there will not be distinct questions whether *every stranger*, or *whether this stranger*, should be put to death, because no stronger objection can be brought against the literal interpretation of the law than the act which is the subject of dispute. It is sufficient merely to ask *whether a foreigner may not mount the walls even for the purpose of saving the city.* The defence of the foreigner, therefore, must rest on equity and the intention of the law. It may happen, however, that we may be able to adduce examples from other laws, by which it may be shown that we cannot always adhere to the letter; a method which Cicero has adopted in his pleading for Cæcina.† 8. There is a third mode, when we find something in the very words of a law to prove that the legislator intended something different from what is expressed, as in this case: *Let him who is caught with steel in his hand at night, be sent to prison: A magistrate sent to prison a man who was found with a steel ring.* Here, as the word in the law is "caught," it appears sufficiently

* *Propter hoc.*] Spalding conjectures *præter hoc.*

† C. 14, and especially 18, 19.

clear that nothing is meant in it but steel intended for mischief.

9. But though he who rests on the meaning of the law, will endeavour, as often as he can, to explain away the letter of it; yet he, who adheres to the letter, will try at the same time to gain support from the intention of it. In wills it sometimes happens that the intention of the testator on a point is manifest, even though there be nothing written upon it, as in the case of Curius, when the well-known contest between Crassus and Scævola occurred.* 10. *A second heir was appointed, if a posthumous son should die before he was past the years of tutelage: No posthumous son was born.* The near relatives laid claim to the property. Who could doubt but that it was the will of the testator that the same person should be heir if a son was not born who was to be heir if a son died? But he had written nothing on the point. 11. A case exactly the reverse of this lately occurred, when something was written in a will which it was evident that the testator had not intended. *A person who had bequeathed five thousand sesterces,*† *having, in making a correction, erased the word* "sesterces," *inserted* "pounds weight of silver," *leaving the words* "five thousand" *standing.* Yet it was apparent that he meant to leave *five pounds* weight of silver, for such a sum of silver as five thousand pounds weight for a legacy was unheard of and incredible. 12. Under this head fall the general questions, *whether we ought to adhere to letter or intent*, and *what was the intention of the writer under consideration.* The methods of treating them are to be sought from quality or conjecture,‡ of which I think that enough has been said.

* Cic. De Orat. i. 39; ii. 32.

† Something more than £40.

‡ The only foundations for arguments in such cases, are, either to show that what you advance is *probable*, which belongs to *conjecture*, or *just*, which belongs to *quality*. See c. 2, sect. 4. *Spalding.*

CHAPTER VII.

Of contradictory laws, § 1—6. Right is either admitted or doubtful, 7-- 9. Contradictory points in the same law, 10.

1. THE next head to be considered is that of *contradictory laws*, because it is agreed among all writers on rhetoric that in *antinomia*,* there are two† *states* regarding *letter and intent;* and not without reason; because, when one law is opposed to another, there arise, on both sides,‡ objections against the letter, and questions regarding the intention; and it becomes a matter of dispute, with respect to each law, *whether we ought to be guided by that law.* 2. But it is obvious to everybody that one law is not opposed to another in strict equity; for, if there were two kinds of equity, the one must be abrogated by the other; but that the laws clash with each other only casually and accidentally.

The laws that interfere with one another may be *of a like nature*, as, if the option§ of a tyrannicide, and that of a man who has saved his country, occur at the same time, liberty being granted to each of choosing what he pleases, there would hence arise a comparison of their respective *services*, of the *conjunctures* in which they acted, and of the nature of the *recompences* on which they fix their thoughts. 3. Or *the same law* may be opposed to itself; as in the case of two deliverers of their country, two tyrannicides, two women who have been violated ;|| in regard to whom there can be no other question but that of time, *whose claim had the priority*, or of quality, *whose claim is the more just.* 4. *Dissimilar* or *similar* laws, also, are sometimes in conflict. *Dissimilar* laws are such as may be attacked by arguments of a different kind even though

* III. 6, 46.

† One state regarding the letter, and one regarding the intent, in reference to each law; as Pithœus remarks.

‡ *Et utrinque*, in the text, should probably be *utrinque et*, as Spalding observes.

§ V. 10, 97.

|| A common case in the schools, where it was an imaginary law that woman who had been forcibly violated might demand that the ravisher should be put to death, or that he should marry her without receiving any dowry. In the case to which allusion is made in the text, one man is represented as having violated two women in one night, one of whom demands his death, and the other his hand in marriage. *Regius.*

no law be opposed to them; as in this case,* *Let not the commandant quit the citadel; Let the man who has saved his country choose what he pleases.* [Suppose that the commandant and the deliverer of his country are the same person; then, with respect to him in his character of deliverer,]† though no law stand in the way, it may be inquired *whether he ought to receive whatever he chooses;* and, in regard to him in his character of commandant, many arguments may be urged by which the letter of the law is overthrown; for instance, *if there be a fire in the citadel*, or *if it be necessary to sally forth against the enemy.* 5. Similar laws are those to which no opposition can be made but that of another similar law. Suppose that one law says, *Let the statue of a tyrannicide be placed in the gymnasium;* that another law says, *Let not the statue of a woman be placed in the gymnasium;* and that *a woman kills a tyrant;* it is plain that neither under any other circumstances can the statue of a woman be placed there, nor the statue of a tyrannicide be prevented from being placed there. 6. Two laws are of unlike nature, when many arguments may be used against the one, and nothing can be said against the other but what is the subject of the controversy; as in the case where *the deliverer of his country demands impunity for a deserter;* for against the law regarding the deliverer of his country many arguments may be brought, as I have just remarked, but the law concerning deserters can be set aside only by the option allowed to the deliverer of his country.

7. In addition, the point of right involved in conflicting laws, is either *admitted* by both parties, or *doubtful.* If it is admitted, there commonly follow such questions as these: *Which of the two laws is the more binding; whether it relates to gods or men; to the state, or to private individuals; to reward or to punishment; to great or small matters; whether it permits, forbids, or commands.* 8. It is a common subject of inquiry, too, *which of the two laws is the more ancient;* but the most important consideration is, *which of the two laws will suffer less;* as in

* It will be an example of *antinomia*, if the commandant of a citadel, who has saved his country, demand permission to quit his post. *Turnebus.*

† The words in brackets are supplied as necessary to the sense. The text seems defective.

the case of the deserter and the deliverer of his country; for if the deserter be not put to death, the whole law regarding deserters is set aside: but if he is put to death, another choice may be allowed to the deliverer of his country. It is, however, of great consequence *which course is the better and more equitable;* a point on which no direction can be given but when the case is proposed for consideration. 9. If the point of right be doubtful, then arises a question on one side, or on both sides reciprocally, respecting it; as in such a case as this: *Let a father have the power of seizing the body of his son, and a patron that of seizing his freedman: Let freedmen belong to the heir: A certain person made the son of his freedman his heir, after his death the right of seizure is claimed both by the son of the freedman and the freedman himself, each over the other;* and the son, now become patron, denies that his father was possessed of the rights of a father, because he was subject to a patron.

10. Two provisions in a law may interfere with one another, as well as two laws. Thus, *Let an illegitimate son, born before a legitimate one, be to his father as legitimate; if born after an illegitimate, only as a citizen.**

What I say of laws, is also to be said of decrees of the senate. If they contradict each other, or are at variance with the laws, there is still no other name† for the state of the question.

CHAPTER VIII.

Of syllogism; intimately connected with definition. § 1, 2. Determines by inference what is uncertain in the letter of any writing, 3—6. Or even what is not expressed in the writing, 7.

1. THE state called *syllogism* has some resemblance to that of *letter and intention*, inasmuch as one party, under it, always takes its stand on the letter; but there is this difference, that in the state of letter and intention, arguments are brought *against* the letter, in that of syllogism the meaning is carried *beyond* the letter; in the former, he who adheres to the letter,

* See iii. 6, 96.

† It will always be called *antinomia*. Capperonier.

makes it his object that at least what is written may be carried into effect; in the latter, that nothing may be done besides what is written. Syllogism has also some affinity to definition;* for if syllogism be weak, it often has recourse to definition. 2. For suppose that there be this law: *Let a woman who administers poison be put to death.* And this case: *A woman several times gave a philtre to her husband who had neglected her; afterwards she procured a divorce from him; being solicited by her relatives to return to him, she did not return; the husband hanged himself; the woman is accused of poisoning.* The strongest argument of the accuser will be to say that a philtre is poison; this will be a definition; but if it fail to produce sufficient effect, the syllogism will be attempted, (to which he may proceed, giving up, as it were, the definition,) to decide *whether she does not deserve to be punished as much as if she had actually poisoned her husband.*

3. The state of syllogism, therefore, deduces from that which is written that which is *uncertain;* and, as this is collected by reasoning, it is called the *ratiocinatory* state.† The following are the points which it mostly embraces: *Whether what is lawful to be done once, is lawful to be done more than once: A woman found guilty of incest, and precipitated from the Tarpeian rock, is found alive; she is required to undergo the punishment a second time.*‡ *Whether what the law grants with regard to one person or thing, it grants with regard to several: A man who has killed two tyrants at once, claims two rewards.* 4. *Whether what was lawful before a certain time, was also lawful after it: A woman is forcibly violated; the ravisher flees; the woman is married, and, on his return, demands her option.*§ *Whether what is forbidden with regard to the whole, is forbidden with regard to part: It is not lawful to receive a plough in pledge; a man received a ploughshare. Whether what is forbidden with regard to part, is forbidden with regard to the whole: It is not lawful to export*

* There is a very great affinity between *syllogism* and *definition;* for definition decides that the name of two things is the same; syllogism proves that two things are to be regarded in the same light. If, therefore, we cannot avail ourselves of a definition, we have recourse to syllogism. *Turnebus.*

† III. 6, 61.

‡ See this case in Seneca Rhet. p. 92. *Spalding.*

§ C. 7, sect. 3.

wool from Tarentum; a person exported sheep. 5. In these cases of syllogism the one party rests on the letter; the other alleges that no provision is made in the law against the act in question. "I demand," says the accuser, "that the woman guilty of incest be thrown headlong from the rock; for such is the law." On the same ground the woman who has been forcibly violated claims her option; and "in exporting sheep," it is said, "wool is exported;" and it is the same with other cases. 6. But it may be replied, "It is not written in the law that a woman condemned should be *twice* thrown headlong; that a woman forcibly violated should have her option *whenever she pleases;* that a tyrannicide should receive *two* rewards; that there is no provision in the law about a *ploughshare*, or about *sheep;*" and what is doubtful is then to be collected from what is certain. To deduce from what is written *that which is not written*, is a matter of greater difficulty: *Let him who has killed his father be sewn up in a sack; A man kills his mother.** *Let it be unlawful to drag a man from his house to the judgment-seat; A man drags another from his tent.* 7. In such cases, the questions are, *whether, when there is not a particular law for a case, we must have recourse to a similar law;* and *whether the matter in question is similar to that to which the letter of the law refers.*

But what is similar may be either greater, or equal, or less.† In the first case, we inquire *whether sufficient provision has been made with regard to the matter in question in the law to which we refer it*, and *whether, if sufficient provision has not been made, we ought to apply that law to it.* In the two other cases, we inquire *concerning the intention of the legislator.* But arguments founded on equity are the strongest.

* V. 10, 88.

† Similitude is three-fold; a thing may be like another, but less; like it, and equal; like it, but less. Hence three species of arguments are derived from comparison; from equality, from the greater to the less, and from the less to the greater. *Capperonier.*

CHAPTER IX.

Ambiguity in words, § 1—3. Words divided, 4. Compounded, 5, 6. Ambiguity of words in connexion with one another, 7—13. Some remarks on ambiguity, 14, 15.

1. Of *ambiguity* the species are innumerable; insomuch that some philosophers think there is not a single word that has not more significations than one.* But the genera of it are very few; for it arises either from words *taken singly* or *in connexion*.

2. A *single* word gives rise to ambiguity, when it is a denomination for more things or persons than one, (the Greeks apply to such ambiguity the term *homonymy*,) as *Gallus;* for as to this word, taken by itself, it is uncertain whether it means a bird, a native of a certain country, a proper name, or a person in a certain condition of body;† and it is uncertain whether Ajax means the son of Oileus. Some verbs also have different meanings, as *cerno*. 3. Such ambiguity presents itself in many ways; whence often arise disputes, especially with regard to wills, when persons who have the same name contend about their liberty,‡ or succession to an inheritance; or when, from ambiguity in the expression, it becomes a matter of doubt what is bequeathed to any person.

4. Another source of ambiguity is, when a word has one signification if taken entire, and another if divided, as *ingenua*, *armamentum*, *Corvinum*. Such words can only give rise to silly cavillings, but the Greeks make them the origin of controversies in the schools: hence comes the well-known dispute about the ἀυλητρίς, *whether a hall that had fallen three times, or a female flute-player, if she fell*, was to be sold.§

5. A third kind of ambiguity arises from compound words; for example, if a person should direct by his will, that his body should be buried *in occulto loco*, "in a sequestered spot," and should bequeath a portion of land round his tomb, to be taken from his heirs, as is usual, for the protection of his ashes, the expression *in occulto*, if taken as a compound word, *inocculto*, "unsequestered," might be the origin of a law-suit. 6. So,

* See Aul. Gell. xi. 12.

† The Galli were emasculated priests of Cybele.

‡ When slaves are set free by a will.

§ See Diog. Laert. vii. 62; Theon. Progymn. p. 35. *Spalding.* Αὐλή τρις is "a hall three times;" ἀυλητρις, "a female flute-player."

among the Greek rhetoricians, Λέων and Παντολέων have a contention, as it is doubtful whether the letter of a will signifies that *all* the possessions are left to Leon, πάντα Λέοντι or that the possessions are left Παντολέοντι, to Pantaleon.

7. But ambiguity is more frequent in words put together; it sometimes arises from *uncertainty with respect to cases*, as in the verse,

*Aio te, Æacida, Romanos vincere posse,**
I say that you, offspring of Æacus,
The Romans can defeat.

Sometimes from *collocation*, when it is doubtful to what a word or words ought to be referred; and this very frequently happens when that which is in the middle may be connected either with what precedes or with what follows, as in the words of Virgil† respecting Troilus,

Lora tenens tamen,
Holding still the reins,

Where it may be asked, *whether Troilus is dragged because he still holds the reins*, or *whether, though he still holds the reins, he is nevertheless dragged*. 8. Hence is that case in the schools, that a man in his will ordered to be erected *statuam auream hastam tenentem*, where it is a question, whether it was to be a *golden statue* holding a spear, or a *golden spear*, with a statue of some other material. Ambiguity is caused still more frequently by an improper inflexion‡ of the voice, as in the verse,

Quinquaginta ubi erant centum inde occidit Achilles.§

9. Sometimes it is doubtful to which of two antecedents a word is to be referred; hence the scholastic case, *Let my heir be bound to give my wife a hundred pounds of the plate*, "quod elegerit," where it is doubtful to which of the two *elegerit* should be referred. But of the three last examples of ambiguity, the

* A verse from Ennius; see Cicero de Divin. ii. 56.

† Æneid. i. 477.

‡ *Flexum.*] "L'inflexion de la voix." *Gedoyn.* "Commutationem vocis." *Regius.* An improper mode of delivering a phrase or sentence, so as to connect such parts of it as ought to be separated, and to separate such as ought to be connected, would misrepresent the sense; as would be the case in the verse in the text, by making a stop after *erant*, instead of stopping after *quinquaginta* and *centum*.

§ A verse translated, with a slight change, from the Greek. See Aristot. Sophist. i. 4.

first may be corrected by a change of cases, the second by a separation or transposition of the words, and the third by some addition. 10. Ambiguity, caused by the doubling of an accusative, may be removed by the introduction of an ablative, as in the words,

*Lachetem audivi percussisse Demeam,**

may be altered to *à Lachete percussum Demeam*. There is, however, in the ablative, as I remarked in the first book,† a natural ambiguity, as in *Cælo decurrit aperto*,‡ it is doubtful whether *per apertum Cælum*, "through the open heaven," is meant, or *quum Cælum apertum esset*, "when the heaven was opened." 11. We may divide words from one another in pronunciation by taking breath or pausing; thus we may pause after *statuam*, and then say *auream hastam*, or we may pause after *statuam auream*, and then add *hastam*. An addition, in the third example, may be made by inserting *ipse* after *elegerit*, "quod elegerit ipse," that the heir may be understood, or *ipsa*, that the wife may be understood. An ambiguity caused by the insertion of a superfluous word, may be removed by withdrawing it, as in the phrase *nos flentes illos deprehendimus*.§ 12. Where it is doubtful to what a word or phrase should be referred, and where, perhaps, the word or phrase itself is ambiguous, we may have to alter several words to make a correction; as in *Hæres meus dare illi damnas esto omnia sua*.‖ Cicero runs into this kind of fault, in speaking of Caius Fannius:¶ *He, by the direction of his father-in-law, of whom, as he had not been elected into the college of augurs, he was not extremely fond, especially as he had preferred Quintus Scævola, his younger son-in-law*, sibi, *to him*, &c.; for this *sibi* may be referred, either to the father-in-law or to Fannius. 13. The lengthening or shortening of a syllable, too, left

* These words are cited again, viii. 2. 16. They may be translated either, "I heard that Laches had struck Demea," or, "I heard that Demea had struck Laches." Such accusatives, observes Spalding, often give much trouble to commentators.

† I. 7, 3.

‡ It is not known whence these words come. Virgil has *pelago decurrit aperto*, Æn. v. 212.

§ It is the word *illos* that may be withdrawn.

‖ It is doubtful whether the word *sua* is to be referred to *hæres* or to *illi*.

¶ Cicero Brut. c. 26.

dubious in any writing, may be a cause of ambiguity, as in the word *Cato*, for it means one thing in the nominative, when its second syllable is short,* and another in the dative or ablative, when that syllable is made long. There are many other species of ambiguity besides, which it is not necessary to specify.

14. Nor is it of importance whence ambiguity arises, or how it is removed; it is sufficient that it presents two senses to the mind; and the mode of understanding the writing or the pronunciation, is a matter of equal consideration for both parties in a suit. It is a useless precept, therefore, that we should endeavour, in this state,† to turn the word or phrase in our own favour, for, if that be possible, there is no ambiguity.

15. Every question of ambiguity, however, has respect to the following points; sometimes, *which of two interpretations is the more natural;* and always, *which of the two is the more equitable;* and *which was the meaning attached to the words by him who wrote or spoke them.* But the manner of treating these questions, for or against, has been sufficiently shown in what I have said ‡ on conjecture and quality.

CHAPTER X.

Affinity between different *states*, § 1—4. Some precepts with regard to causes can be given only when the causes themselves are stated, 5—7. Impossible to give instruction on every particular point, 8, 9. Many things the student must teach himself, and must depend for success on his own efforts, 10—17.

1. BETWEEN the states § there is a certain affinity, for in *definition* the question is, what is the meaning of a term; in the *syllogism*, which is the most nearly related to definition,‖

* Quintilian speaks as if the *o* in the nominative case of *Cato* were uniformly shortened. "This shortening of nominatives in *o*," says Spalding, "perhaps became general in the age of Quintilian; see Vossius de Arte Gramm. ii. 27, though he does not refer to this passage. Compare *Varro vocat*, viii. 6, 73."

† III. 6, 1, *seqq.*

‡ See c. 6, *fin.*

§ Not the two, of which he has just been speaking, but *states* in general, and especially the four legal states. *Spalding.* See sect. 3, and iii. 6, 54.

‖ See c. 8, sect. 1.

the object is to ascertain what the writer meant; and from *antinomia*, or the contradiction of laws, it appears that there are two* states of *writing and intention of the writer*. *Definition*, again, is itself a kind of *ambiguity*, as the meaning of a word may be regarded in two lights. 2. The state of *what is written and the intention of the writer* has regard also to the signification of terms, and the same object is kept in view in *antinomia*.† Hence some rhetoricians have said, that all these states merely *constitute that of letter and intention;* others think that in that of letter and intention lies the ambiguity which gives rise to dispute.‡

But all these states are in reality distinct; for an obscure law is one thing, and an ambiguous law another. 3. *Definition* is concerned with a general question regarding the nature of a term; which question may be unconnected with the scope of a cause; the state of *letter and intention* discusses the meaning of the very word which is in the law; *syllogism* tries to settle what is not in the law; *ambiguity* considers a word under two senses; *antinomia* is a comparison between two contradictory laws. 4. This distinction, accordingly, has been justly admitted by the most learned rhetoricians, and continues to be observed among the generality of the wisest.

As to discussions of this kind, though directions on all points could not be given, yet it has been practicable to give some. 5. There are other particulars which allow facility for instruction concerning them only when the subject, on which we have to speak, is propounded; for not only § must a whole cause be divided into its general questions and heads, but these divisions themselves must also have their own distribution and arrangement of matter. In the exordium there is something first, something second, and so on; and every question

* One in regard to each law.

† Scriptum *et* voluntas *habet in verbis vocis quæstionem; quod idem in* antinomiâ *petitur.*] That this passage is not sound, we may conclude even from the troublesome intrusion of the word *vocis*. I am also dissatisfied with the expression *idem peti*, in regard to *antinomia*. Quid tandem *petitur?* An ulla *quæstio* potest *peti?* Let some one more sagacious than myself discover what correction should be made. *Spalding.*

‡ Turnebus refers to Cicero de Orat. i. 26.

§ I read, in the text, *non enim causa* modò *universa, &c.* Spalding observes that *modò* is required.

and head must have its own disposition of particulars, as single theses.* 6. For is it possible that he can be thought sufficiently skilled in arrangement, who, after dividing his case into these points, *whether every kind of reward ought to be granted to the deliverer of his country; whether he should be permitted to take private property; whether a marriage with whom he pleases should be allowed him; whether a married lady should be given him; and whether the lady whose case is before the court*, should then, when he has to speak on the first point, mix up his observations indiscriminately, just as each happens to come into his head, not knowing that he should consider first *whether we should hold to the letter of a law, or to the intent of it*, that he should make a commencement on this question, and then, connecting with it what follows, should arrange the whole of his speech with the same regularity as the parts of the human body, of which, for example, the hand is a portion, the fingers a portion of the hand, and the joints portions of the finger? 7. It is this nicety of arrangement that a writer on rhetoric cannot teach, unless when he has a certain and definite subject before him. 8. But what would one or two examples avail, or even a hundred or a thousand, in a field that is boundless? It is the part of a teacher to demonstrate day after day, sometimes in one kind of causes and sometimes in another, what is the proper order and connexion of particulars, that skill may gradually be acquired by his pupils, and the power of application to similar cases. 9. All cannot be taught that art is able to accomplish.† What painter has learned to copy every object on the face of the earth? But when he has once acquired skill in copying, he will produce a representation of whatever he takes in hand. What artist in fashioning vases has not produced one such as he had never seen?

Some things, however, depend not on the teachers, but on the learners. 10. A physician ‡ will teach his pupil what is to be done in every sort of disease, and what is to be conjectured from certain symptoms; but it is the pupil's own genius that must acquire for him the nice faculty of feeling the pulse,

* General or indefinite questions. See iii. 5, 8; ii. 4, 24.

† Almeloveen very properly refers to Cicero de Orat. ii. 16.

‡ A painter—an artist—a physician. Similar comparisons are made ii. 21, 15. *Spalding.*

of observing the different degrees of heat, and the alterations in respiration and complexion, and of noting what tokens are significant of any particular malady. In like manner, let us seek most aid from ourselves, and meditate our own causes, reflecting that men discovered the art of oratory before they taught it. 11. For that is the most effective arrangement of a pleading, an arrangement justly called *economie*,* which cannot be made but when the whole cause is spread as it were before us, and which tells us when we ought to adopt an exordium, and when to omit it; when we should make a continuous statement of a case, and when a statement subdivided into heads; when we should begin at the beginning, and when, after the manner of Homer,† in the middle or towards the end; 12. when we should make no statement at all; when we should commence with our own allegations, and when with those of our adversary; when with the strongest proofs, when with the weaker; in what sort of cause questions should be propounded in the introduction; in what causes the way should be prepared for them by prefatory hints; what the mind of the judge will be likely to admit if expressed at once, and to what he must be conducted gradually; whether our refutation should oppose the arguments of the adversary one by one, or in a body; whether our appeals to the feelings should be reserved for the peroration, or diffused through our whole speech; whether we should speak first of law, or of equity; whether we should first charge our opponent with past offences, or repel them if advanced against ourselves, or confine our remarks to the points for decision; 13. and, if a cause be complex, what order should be observed in our conduct of it, and what oral or written evidence, of any kind, should be set forth in our regular pleading, or reserved.‡ This is the virtue as it were of a general,§ dividing his forces to meet the various events of war, retaining part to garrison fortresses or defend cities, and distributing other parts to collect provisions, to secure passes, and to act by land or by sea as occasion may require. 14 But such merits in oratory he

* Compare iii. 3, 9. † See v. 12, 14.

‡ Reserved for the altercation or discussion, as I suppose. See b. vi. c. 4. *Spalding.*

§ Compare v. 12, 14. Quintilian is very happy in his similes from military affairs. *Spalding.*

only will display, to whom all the resources of *nature*, *learning*, and *industry*, shall be at hand. Let no man expect, therefore, to be eloquent only by the labour of others. Let him who would be an orator be assured that he must study early and late; that he must reiterate his efforts; that he must grow pale with toil; he must exert his own powers, and acquire his own method; he must not merely *look* to principles, but must have them in readiness to *act* upon them; not as if they had been taught him, but as if they had been born in him. 15. For art can easily show a way, if there be one; but art has done its duty when it sets the resources of eloquence before us; it is for us to know how to use them.

16. There remains then only the arrangement of *parts;* and in the parts themselves there must be some one thought first, another second, another third, and so on; and we must take care that these thoughts be not merely placed in a certain order, but that they be also connected one with another, cohering so closely that no joining may appear between them; so that they may form a body, and not a mere collection of members, 17. This object will be attained, if we take care to observe what is suitable for each place, and study to bring together words that will not combat but embrace each other Thus different things will not seem hurried together from distant parts, all strangers one to another, but will unite themselves, in a sure bond and alliance, with those that precede and those that follow; and our speech will appear not merely a combination of phrases, but all of a piece. But I am perhaps proceeding too far, as the transition from one part to another beguiles me; and I am gliding imperceptibly from the rules for arrangement into those for elocution, on which the next book shall formally enter.

BOOK VIII.

INTRODUCTION.

A plain and simple method of teaching to be preferred, § 1—5. Recapitulation of the precepts given in the preceding parts of the work, 6—12. Style and delivery require more ability and study than other parts of oratory, 13—15. Excellence in them attained by study and art, 16, 17. Yet a speaker may be too solicitous about his language, 18—26. Necessity of practice, 27—30. We must not always be striving for something greater and higher. 31—33.

1. In the observations which are thrown together in the last five books, is comprehended the method of *inventing*, and of *arranging* what we invent; and though to understand this method thoroughly and in all its parts is necessary to the attainment of the height of oratorical skill, yet to beginners it is fit that it be communicated rather in a shorter and simpler way. 2. For otherwise learners are apt to be deterred by the difficulties of a study so various and complicated; or their faculties, at an age when they require to be strengthened, and to be fostered with some degree of indulgence, are debilitated by being devoted to a task too burdensome for them; or they think that, if they acquire skill in these matters only, they are sufficiently qualified to become truly eloquent; or, again, as if they were bound to certain fixed laws of speaking, they shrink from every attempt to do anything for themselves.* 3. Hence it has happened, as some think, that those who have been the most diligent writers of rules on the art, have been farthest from attaining true eloquence.† Yet it is necessary to point out a way to those who are entering on the study; but that way should be plain to be pursued, and easy to be shown. Let the able teacher, therefore, such as I conceive in my mind, choose the best precepts out of all that have been given, and communicate at first only such as he approves, without occupying his time in refuting those of an opposite kind. Pupils will follow where the master leads, and, as their minds are strengthened by learning, their judgment will also increase. 4. Let them suppose at first that there is no other road than that by which they are conducted, and

* Comp. v. 10, 101. † Comp. ii. 15, 35; iii. 1, 18.

discover afterwards that it is the best. The principles, however, which writers, by a pertinacious adherence to their respective opinions, have rendered embarrassing, are in themselves by no means obscure or hard to be understood. 5. In the whole treatment of this art, accordingly, it is more difficult to decide what to teach, than to teach it when a decision is made upon it; and in these two departments, especially, invention and arrangement of matter, there are but very few general rules, and if he, who is under instruction, shows no repugnance or inability to attend to them, he will find the way open to the acquirement of everything else.

6. I have already spent much labour on this work, with a view to show that oratory *is skill in speaking well;* that it is *useful;* that it is an *art*, and a *virtue;** that its subjects are *everything* on which an orator may be required to speak; that those subjects lie mostly in three species of oratory, the *demonstrative*, the *deliberative*, and the *judicial;* that all speech consists of *matter* and *words;* that, as to matter, we must study *invention*, as to words, *elocution*, and as to both *arrangement;* all which particulars *memory* must guard and *delivery* recommend. 7. I showed that the duty of an orator was comprised in the three arts of *persuading*, *exciting*, and *pleasing;* that, for persuading, *statement* and *argument* are most efficient, and for exciting, *appeals to the feelings*, which may be dispersed through the whole of a speech, but should be used chiefly at the beginning and the end; while *to please*, though it depends on both matter and words, belongs chiefly to *elocution.* 8. I observed that some *questions* are indefinite, others *definite*, or limited to the consideration of *persons*, *places*, and *occasions;* that in regard to every thing there are three points to be considered, *whether it is*, *what it is*, and *of what nature it is.* To these remarks I added that *demonstrative oratory* consists in praising and blaming; that, in speaking of a person's character, we must notice what was done by the person himself of whom we speak, and what took place after his death,† and that this kind of oratory was employed about the *honourable* and the *useful.* 9. To deliberative oratory I observed that a third part‡ is added, de-

* See b. ii. c. 20.

† B. iii. c. 7.

‡ Deliberative oratory has two parts common to it with the demon-

pendent on conjecture, as when we inquire *whether that*, which is the subject of our deliberation, *is possible*, and *whether it is likely to happen.* In this department of oratory too, I said that it ought above all to be considered *what is the character of the speaker, before whom, and on what subject, he speaks.* As to *judicial causes*, I remarked that some depend on one point, some on several; that in some a mere *attack* or *defence* is sufficient; and that all defence consists either in *denial*, (which is of two kinds, as we may dispute *whether the fact in question really happened or whether that which happened was of the nature attributed to it,*) or in *justification*, or in *exception.** 10. I added that questions in a cause relate either to *something done*, or *something written*; that in regard to *anything done*, we consider its probability, its nature,† and its quality, and in respect to *anything written*, the meaning or intention of the words; in contemplating which, the nature of whole causes, criminal and civil,‡ has to be regarded; all of which§ are included under the heads of *letter and intention*, *syllogism*, *ambiguity*, or *contradictory laws.* 11. I stated, moreover, that in every judicial cause there are five parts; that the judge is to be conciliated in the *exordium*; that the cause is set forth in the *statement of facts*, supported by *evidence*, and overthrown by *refutation*; and that the memory is to be refreshed, or the feelings excited, in the *peroration.* 12. To this I added the topics for argument and addresses to the passions, and showed the means by which judges must be roused, appeased, or amused.‖ Last of all was subjoined the method of *division.* But let him who shall read this work for improvement feel assured that the course of proceeding laid down in it is one in which nature ought to do much of

strative or epideictic kind, namely, concerning what is honourable and what is useful. *Gesner.*

* *Translatione*] See iii. 6, 25.

† *Proprietate.*] See iii. 6, 53.

‡ *In quibus vis tum causarum, tum actionum inspici soleat.*] *Causæ* are properly subjects of oratory of any kind, demonstrative, deliberative, or judicial; *actiones* are properly *causæ forenses*, or subjects for oratory of the judicial kind, whether of a criminal or civil nature. *Capperonier.*

§ Spalding tells us in his note to read *quæ—continentur*, though he allows the singular to remain in his text.

‖ *Resolvi.*] See iv. 2, 19.

herself even without learning; so that the various heads of which I have spoken should seem not so much to have been invented by teachers, as to have been noticed by them according as they presented themselves.

13. What is to follow requires more labour and care, since I have now to treat of the art of elocution, which is, as all orators are agreed, the most difficult part of my work; for Marcus Antonius, of whom I have spoken above,* when he said that *he had seen many good speakers, but none of them truly eloquent*, understood that it is sufficient for a good speaker to say just what is proper, but to speak in an ornate style belongs only to the most eloquent. 14. If such excellence, accordingly, was found in no speaker down to his time, and not even in himself or in Lucius Crassus, it is certain that it was wanting in them and in preceding speakers, only because it was extremely difficult of acquirement. Cicero himself, indeed, is of opinion, that invention and arrangement are in the power of any sensible man, but eloquence only in that of the complete orator; and it was on this account that he gave his chief attention to the rules for that accomplishment. 15. That he acted rightly in doing so, is shown by the very name of the art of which we are speaking; for *eloqui*, "to speak forth," is to express whatever has been conceived in the mind, and to communicate it fully to the hearers; an art, without which all preceding attainments are useless, like a sword sheathed and clinging to its scabbard. 16. Eloquence, therefore, requires the utmost teaching; no man can attain it without the aid of art; study must be applied to the acquirement of it; exercise and imitation must make it their object; our whole life must be spent in the pursuit of it; it is in this that one orator chiefly excels another; it is from this that some styles of speaking are so much better than others. 17. For we are not to suppose that the Asiatics†, or other speakers in any way faulty, were unable to invent matter or to arrange

* The last place in which he mentioned Antonius was vii. 3, 16. This well-known saying of his is to be found in Cic. de Orat. i. 21; Orat. c. 5; Plin. Ep. v. 22. *Spalding.*

† *Asiani.*] The distinction of orators into Asiatic, Attic, and Rhodian, is frequently noticed in Cicero. See also Quintilian ix. 4, 103; xii. 10, 16; and Dionysius Halicarnassensis, vol. v. p. 447, ed. Reisk. The Asiatic eloquence was of too flowery a character.

it; or that those whom we call *dry** were void of understanding or perspicacity in their pleadings; but the truth is that the first wanted judgment and moderation in expressing themselves, and the second energy; and hence it is evident, that in expression lie the faults and excellences of oratory.

18. Yet it is not to be understood that regard is to be paid only to words, for I must meet and stop those in the very vestibule as it were, who would take advantage of what I have just admitted, and who, neglecting to attend to the study of *things*, which are the nerves of all causes, consume their lives in an empty application to words, making it their object to attain elegance, which is, indeed, in my judgment, an excellent quality in speaking, but only when it comes naturally, not when it is affected. 19. Bodies that are in health, with the blood in a sound state, and strengthened by exercise, have their beauty from the same causes from which they have their vigour,† for they are well-complexioned, of a proper tension, and with muscles fully developed; but if a person should render them artificially smooth, and paint and deck them in an effeminate fashion, they would be made eminently repulsive by the very labour bestowed in beautifying them. 20. *A becoming and magnificent dress*, as it is expressed in the Greek verse,‡ *adds dignity to men;* but effeminate and luxurious apparel, while it fails to adorn the person, discovers the depravity of the mind. In like manner the transparent and variegated style of some speakers deprives their matter, when clothed in such a garb of words, of all force and spirit.

I would, therefore, recommend care about words, and the utmost care about matter. 21. The best words generally attach themselves to our subject, and show themselves by their

* *Aridos.*] He seems to mean some who wished to be called Attics, and who, seeing that Lysias the Attic orator had adopted a close and dry style, studied to resemble him. Cicero passes a censure on them in his *Orator.* Turnebus.

† See Cic. de Orat. iii. 45; also Quintilian, viii. 3, 8; ix. 4, 8.

‡ This Greek verse has hitherto been sought to no purpose; nor can anything be more unlike the sentiment than the verse of the Odyssey, vi. 29, suggested by Erasmus, Chil. iii. 1, 60, whom most of the commentators follow. . . . My imagination supplied me with a verse and a half, which I fancied might be something like the Greek:

ὁ γὰρ μεγαλοπρεπὴς
Μετριός τε κόσμος κῦρος ἀνθρώποις νέμει.
Spalding.

own light; but we set ourselves to seek for words, as if they were always hidden, and trying to keep themselves from being discovered We never consider that they are to be found close to the subject on which we have to speak, but look for them, in strange places, and do violence to them when we have found them. 22. It is with a more manly spirit that Eloquence is to be pursued, who, if she is in vigour throughout her frame, will think it no part of her study to polish her nails and smooth her hair.*

23. It generally happens that the more attention is paid to such niceties, the more oratory is deteriorated; † for the best expressions are such as are least far-fetched, and have an air of simplicity, appearing to spring from truth itself. Those which betray care, refuse to appear otherwise than artificial and studied; they fail to exhibit grace, and do not produce conviction; besides that ‡ they obscure the sense, and choke the crop as it were, with a superabundance of herbage. 24. What may be said simply, we express paraphrastically, from fondness for words; what has been told sufficiently, we repeat; what may be clearly signified in one word, we envelope in a multitude; and we often prefer to intimate our thoughts rather than express them. Indeed no natural expression now satisfies us, since none appears elegant that another speaker has used. 25. We borrow tropes or metaphors from the poets most corrupt in taste, and think that we are witty only when there is need of wit to understand us. Yet Cicero § had plainly enough told us, that *to depart from the ordinary style of language, and from the practice sanctioned by universal reason*, is, in speaking, even the greatest of faults. 26. But Cicero, forsooth, was a harsh and unpolished orator; and we, to whom all that nature dictates is contemptible, and who seek, not ornament, but meretricious finery, know how to speak better than he; as if there were any excellence in words except as far as they agree with things; and if we are to make

* *Capillum reponere.*] When thrown into disorder by the animation of pleading; as is said of the toga, vi. 3, 54; xi. 3, 149. *Spalding.*

† The word *primùm*, in the text, is not translated, for, as Spalding observes, there is nothing below corresponding to it; and it is absent from one manuscript.

‡ For *propter id, quod*, I have followed Rollin's conjecture, *prata id, quod*, which is approved by Spalding.

§ De Orat. i. 3.

it the object of our whole life, that our words may be nice, and splendid, and ornate, and properly arranged, the whole fruit of our studies comes to nothing. 27. Yet we see most of our speakers hesitating about every word, seeking for expressions, and weighing and measuring them when they are found. Even if the sole object of their solicitude were that they might always use the best words, yet their unhappy care would deserve to be execrated, as it retards the course of their speech, and, from hesitation and diffidence, extinguishes the ardour of imagination. 28. He is but a wretched, and, I may say, a *poor* orator, who cannot endure to lose a single word. Yet not a single word, assuredly, will he lose, who shall first of all have learned the true principles of eloquence, and shall, by a long and judicious course of reading, have acquired a copious supply of words, and attained the art of arranging them; and who, besides, shall have made himself master of his stores by constant exercise, so that they may always be at hand and before his eyes. 29. To him who shall have done this, things and their names will present themselves at once; but for such excellence there is need of previous study, and of ability acquired, and, as it were laid up; for anxiety in seeking, judging, and comparing words, should be used while we are learning, not after we have become speakers. Otherwise, as men who have not secured a fortune have recourse to occasional expedients, so such speakers, from not having previously studied sufficiently, will be at a loss for expressions. 30. But if resources for speaking have been acquired beforehand, they will be ready for our use, not seeming merely to answer exigencies, but to attend on our thoughts, and to follow them as a shadow follows the substance.

31. Yet in this kind of care we should set bounds to ourselves; for when our words are good Latin, significant, elegant, and properly arranged, why should we labour for anything more? But some speakers make no end of dissatisfaction with themselves, and of hesitating at almost every syllable; speakers who, when they have found the best terms, are anxious for something still more antique, far-fetched, and surprising; and who do not understand that in a speech of which the language is much extolled, the sense is too little regarded.

32. Let the greatest possible care, then, be bestowed on expression, provided we bear in mind that nothing is to be done for

the sake of words, as words themselves were invented for the sake of things, and as those words are the most to be commended which express our thoughts best, and produce the impression which we desire on the minds of the judges. 33. Such words undoubtedly must make a speech both worthy of admiration and productive of pleasure; but not of that kind of *admiration* with which we wonder at monsters; or of that kind of *pleasure* which is attended with unnatural gratification, but such as is compatible with true merit and worth.

CHAPTER I.

Style depends on the judicious choice of words, and the judicious combination of them. Necessity of studying to speak pure Latin.

1. WHAT the Greeks, then, call φράσις, we call in Latin *elocutio*, "elocution." We judge of it in regard to words taken either *singly* or *in conjunction*. In reference to words considered singly, we must take care that they be *Latin*, *intelligible*, *elegant*, and *appropriate* to that which we wish to express; in regard to words in conjunction, we must see that they be *correct*, *well arranged*, and *diversified occasionally with figures*. 2. What was necessary to be said, however, on the subject of speaking in pure Latin and with correctness, I stated in the first book,* when I was treating on grammar. But there I only observed that words should not be impure; here it will not be improper to intimate that they should have nothing provincial or foreign about them; for we may find many authors † not deficient in the arts of style, who, we should say, express themselves rather affectedly than in pure Latin; as the Athenian old woman called Theophrastus, a man otherwise of great eloquence, a *stranger*, from observing his affected use of a single word, and being questioned on the subject, replied that *she had discovered him to be a foreigner only from his speaking in a manner too Attic.*‡ 3 In Livy, again, a

* C. 4—6.

† As Tertullian, Apuleius, Capella, Macrobius. *Pithœus.*

‡ Quintilian relates this anecdote more fully than Cicero, Brut. c. 46, but I know not whence he drew his information. *Spalding.*

writer of extraordinary elegance, Asinius Pollio thought that a certain *Patavinity* was discoverable.* Let all our words, therefore, and even our tone of voice, if possible, declare us to be natives of this city, that our speech may appear truly Roman, and not merely to have been admitted into citizenship

CHAPTER II.

Propriety of words; words are *proper* in more than one sense, § 1—3. A word which may not be exactly proper, is not always to be condemned as improper, 4—6. Some words may be proper, and yet have no oratorical merit, 7, 8. The excellence of significancy, 9—11. Concerning obscurity, 12, 13. Arises from the use of unusual words, or from faulty composition, 14—16. From circumlocution, 17, 18. From desire for brevity, 19—21. Perspicuity the chief excellence of language, 22—24.

1. *Perspicuity* in words arises from a certain propriety; but the word *propriety* itself is taken in more than one sense; for its first acceptation signifies the exact term for a thing, which term we shall not always use; for we shall avoid such as are obscene, or offensive, or mean. 2. Mean terms are such are beneath the dignity of a subject, or of the persons to whom we address ourselves.† But in avoiding meanness some speakers are in the habit of running into a very great error, as they shrink from all terms that are in common use, even though the necessity of their subject calls for them; as he, for example, who, in pleading a cause, spoke of an *Iberian shrub*, of which he himself would alone have known the meaning, had not Cassius Severus, in derision of his folly, observed that he meant to say *Spanish broom*. 3. Nor do I see why an eminent orator should have thought that *duratos muriâ pisces*, "fishes preserved in pickle," was more elegant than the very word which he avoided.‡ But in that sort of *propriety*, which uses the exact word for everything, there is no merit; though that which is contrary to it is a fault, and is called with

* I. 5, 56.

† *Ordinis.*] I follow Rollin's interpretation of this word. The expression, as Spalding remarks, should have been more full.

‡ Namely *Salsamenta*. It is not known who either of these orators was.

us *improprium*, and in Greek ἄκυρον, "impropriety," as in Virgil,* *tantum sperare dolorem*, "to hope so great pain." 4. Or the expression in the speech of Dolabella,† which I have found corrected by Cicero, *mortem ferre;* or such as are now extolled by some people, *decernere*, *verba ceciderunt.*‡ Yet a word which is not *proper* will not necessarily be chargeable with the fault of *impropriety;* because, above all, there are many things, both in Greek and Latin, that have no proper term. 5. He who hurls *jaculum*, "a javelin," is said *jaculari*, but he who hurls *pilum*, "a lance," or *sudes*, "a stake," finds no word peculiarly assigned to the act; and though it is manifest that *lapidare* means "to throw stones," the throwing of clods or tiles has no peculiar term. Hence what is called *catachresis*, the abuse of words, becomes necessary. 6. *Metaphor*, too, in which much of the ornament of speech consists, applies words to things to which they do not properly belong. Hence the *propriety* of which we are speaking, relates, not to a word absolutely, but to the sense in which it is used, and is to be estimated, not by the ear, but by the mind.

7. In the second place, when several things come under the same term, that is called the *proper* sense of the term from which all the other senses are derived: as the word *vertex* signifies water whirling round, or whatever is whirled round in a similar manner; hence, from the twisting round of the hair, it means the top of the head; and, from its application to the head, it came to signify the highest peak of a hill. We very rightly call all these things *vertices*, but *properly* that to which it was first applied. So it is with *soleæ* and *turdi*, names of fishes.§

* Æn. iv. 419.

† Cicero was his instructor in the art of speaking, as he was Cicero's in the *ars cœnandi*. Ep. ad Div. ix. 16; compare Quint. xi. 11, 6.—In what sense the words *mortem ferre* were used by Dolabella, no critic has been able to decide. I suppose the *ferre* was used with the same kind of impropriety as *sperare* by Virgil. *Spalding.*

‡ We should attempt in vain to find out the ἀκυρολογία in these words. Conjectures have been offered, but without foundation. *Spalding.*

§ The *solea*, "sole," is a flat fish, named from its similarity to the sole of the foot; the *turdus* was a fish found about rocks, and was so named from some resemblance to the *thrush*. Turnebus. Perhaps the resemblance was in colour.

8. There is also a third sort of *propriety*, the reverse of the second, when a thing, common to many purposes, has a peculiar sense as applied to one of them; as a funeral song is called *nænia*,* and a general's tent *augurale*.† Also, a term which is common to many things, may be applied in a pre-eminent sense to some one of them; as we say "the city," for Rome, "venales" for newly-purchased slaves, and "Corinthian" for Corinthian brass; though there are many other cities, many other things to which *venales* may be applied, and there are Corinthian gold and silver as well as brass. But in such a use of terms there is no peculiar exhibition of the ability of the orator. 9. There is a kind of propriety, however, which is greatly to be admired, and for which anything is extolled that is said with peculiar effect, that is, with the utmost possible significancy; as Cato said that *Julius Cæsar applied himself soberly to overthrow the republic*;‡ or as Virgil§ says *deductum carmen*, "a humble strain," and Horace *acrem tibiam*, "a shrill pipe," and *Hannibalem dirum*, "dire Hannibal."‖ 10. Under this kind of propriety is mentioned by some the appositeness of characteristic words, which are called epithets, as *dulce mustum*, "sweet new wine," and *Cum dentibus albis*, "with white teeth."¶ Of this species of propriety I shall speak in another place.** Terms that are happily applied in metaphor are also frequently called *proper*. 11. Sometimes, too, a term that is eminently characteristic of a person is called *proper* to him; thus Fabius, among his many military virtues, was called *Cunctator*, "the Delayer."

* *Nænia* was properly any rude and trifling song, but was at length peculiarly restricted to the sense of funeral dirge. *Turnebus.*

† Various things were done in the general's tent, but it had its name from *augurium*, "augury," because the auspices were taken there. *Spalding.*

‡ Suetonius, in his Life of Julius Cæsar, c. 53, says that he used to drink but little wine, and that Cato said he was the only man who applied himself soberly to overthrow the government. The word sober was intended by Cato as very expressive, denoting all the care, meditation, and forethought that are observable in sober persons. *Turnebus.*

§ Ecl. vi. 5. *Deductum* means *tenue, humile*, below the dignity of epic poetry. *Spalding.*

‖ Hor. Od. i. 12, 1; ii. 12, 2; iii. 6, 36.

¶ Virgil, Georg. i. 295; Æn. xi. 681. See also c. 6, sect. 40.

** C. 6 of this book.

Words that signify more than they actually express, might seem to be fitly mentioned under the head of perspicuity, as they assist the understanding; but I would rather place emphasis among the *ornaments* of speech, because it does not merely tend to make what is said understood, but causes more to be understood than what is said.

12 On the other hand, *obscurity* arises from the adoption of words remote from common use; as, for example, if a person should search into the commentaries of the pontiffs, the most ancient treaties, and the writings of obsolete authors,* and make it his object that what he extracted from thence should not be understood. By such means some affect a character for erudition, endeavouring to prove themselves the only persons who comprehend certain subjects. 13. Words, too, that are more familiar to certain districts than to others, or peculiar to certain arts. produce obscurity, as, the wind *Atabulus*,† the ship *Saccaria*;‡ and *In malaco sanum*;§ such expressions must either be avoided before a judge who is ignorant of their meaning, or must be explained, as is the case with terms that are called *homonyma;* as with regard to the word *Taurus*, for example, it cannot be understood, unless it be specified whether it signifies a mountain, a constellation in the heavens, the name of a man, or the root of a tree.‖

14. Yet still greater obscurity arises in the construction and concatenation of words, and there are still more sources of it. Let our periods, therefore, never be so long that attention

* Comp. i. 6, 40; Cic. de Orat. ii. 12; Hor. Epist. ii. 1, 23. At the end of this sentence Spalding's text has, *id ipsum petat ex his, quæ inde contraxerit, quod non intelliguntur;* I read with Gesner, *ut, quæ inde contraxerit, non intelligantur.*

† In Apulia, Hor. Sat. i. 5, 77. Plin. H. N. xvii. 24; Senec. Nat. Quæst. iv.; Aul. Gell. xi. 22.

‡ Properly a vessel for conveying *sacci*, bags, filled perhaps, in general, with corn. But nothing certain is known about it.

§ There is no satisfactory interpretation of these words. Gesner refers to Cœlius Rhodig. vi. 1, 25, who thinks that they are part of a saying among the physicians or physiognomists; that sanity of mind was denoted by softness and delicacy of flesh or skin.

‖ *Taurus* in this sense has not yet been discovered in any writer, nor is there anything of the kind in Diomede, who has extracted this passage of Quintilian, p. Putsch. 444. He, however mentions in place of it *obscœna pars corporis.* May we suppose that *radix arboris* in Quintilian's text is a corruption of these words? *Spalding.*

cannot sustain itself throughout them; nor so clogged by transpositions of phrases, that the end of the sense is not to be discovered till we reach the end of a *hyperbaton*.* A still worse fault than these is a confused mixture of words, as in the verse,

Saxa vocant Itali mediis quæ in fluctibus aras,†
Rocks which th' Italians altars call, amid
The waves.

15. By parenthesis, also, (which both orators and historians frequently use, to interpose some remark in the middle of a period,‡) the sense is generally embarrassed, unless what is inserted be very brief. Thus Virgil, in the passage where he describes a young horse, after having said,

Nec vanos horret strepitus,
Nor dreads he empty noises,

and after having interposed some remarks in another form,§ returns, at the fifth verse following, to his first thought,

——*Tum si qua sonum procul arma dedêre,*
Stare loco nescit,
Then, if but distant arms give forth a clang,
How to stand still he knows not.

16. But above all we must avoid ambiguity, not only that species of it of which I have spoken above,‖ and which renders the meaning doubtful, as *Chremetem audivi percussisse Demeam*, but also that sort which, though it cannot perplex the sense, yet, as far as words are concerned, runs into the same fault with the other; for instance, if a person should say, *visum à se hominem librum scribentem;* for though it is certain that the book was being written by the man, yet the speaker would have put his words badly together, and rendered them ambiguous as far as was in his power.

17. In some writers, also, there are clouds of empty words;

* See c. 6, sect. 62.

† Æn. i. 109.

‡ Quintilian at once describes and exemplifies the parenthesis. *Gesner.*

§ *Aliâ figurâ.*] Virgil addresses some precepts to the reader between *nec vanos horret strepitus* and *tum si qua sonum*, &c. This is the sense in which Spalding very judiciously understands *aliâ figurâ*. Georg iii. 79.

‖ c. 9, sect. 10.

for while they shrink from common forms of expression, and are attracted by a fancied appearance of beauty, they involve all their thoughts, which they are unwilling to express straightforwardly, in verbose circumlocutions, and joining one of these tissues of words to another of a similar character, and mixing up others with them, they extend their periods to a length to which no breath can hold out. 18. Some labour even to attain this fault, a fault by no means of recent date; as I find in Livy* that there was a teacher in his day who exhorted his scholars to *obscure* what they said, using the Greek word σκότισον : and from whom, I should suppose, proceeded that extraordinary eulogium, *So much the better; even I myself cannot understand it.*

19. Some, again, too studious of brevity, exclude from their periods words necessary, even to the sense; and, as if it were enough for themselves to know what they wish to say, are regardless how far it concerns others to understand them; for my own part, I call that composition abortive, which the reader has to understand by the exertion of his own ability;† others, interchanging words perversely, secure the same fault through the aid of figures. 20. But the worst kind of obscurity is that which the Greeks call ἀδιανόητον, that is, when words that are plain in one sense, have another sense concealed in them; as *Conductus est cæcus secus viam stare;*‡ and as he who tore his body with his teeth is represented in the schools, *supra se cubâsse*, as *having lain upon himself.*§ 21. Such ingenious and daring phraseology is thought eloquent because of its ambiguity; and there is an opinion now prevalent with many, that they ought to think that only elegantly and exquisitely expressed which requires to be interpreted. But it is pleasing also to certain hearers, who, when they find out the meaning of it, are delighted with their own pene-

* In the letter, doubtless, which is mentioned ii. 5, 20.

† Not through the perspicuity of the writer or speaker. *Spalding.*

‡ "A blind man was led (or hired) to stand by the way." It is in *conductus est* that Turnebus supposes the ambiguity to lie, as it may signify either that the blind man was engaged for a sum of money to stand by the way-side, or was led *with others* to stand there. Other commentators know not what to make of the words.

§ Did that affecter of eloquence represent the man who was tearing his flesh as *lying upon himself* like a tiger lying upon his prey, devouring it and drinking its blood? *Spalding.*

tration, and applaud themselves as if they had not heard but invented it.

22. With me, however, let the first virtue of composition be *perspicuity;* let there be proper words, and a clear order; let not the conclusion of the sense be too long protracted; and let there be nothing either deficient or superfluous. Thus will our language both deserve the commendation of the learned, and be intelligible to the unlearned.

These observations refer to perspicuity in our words; for how perspicuity in our matter is to be secured, I have shown in my rules concerning the statement of cases.* 23. But the case is similar with regard to both; for if we say neither less nor more than we ought, nor anything ill-arranged or indistinct, what we state will be clear, and intelligible even to the moderately attentive hearer. We must bear in mind, indeed, that the attention of the judge is not always so much on the alert as to dispel of itself the obscurity of our language, and to throw the light of his intellect on our darkness, but that he is often distracted by a multiplicity of other thoughts, which will prevent him from understanding us, unless what we say be so clear that its sense will strike his mind as the rays of the sun strike the eyes, even though his attention be not immediately fixed upon it. 24. We must, therefore, take care, not merely that he may understand us, but that he may not be able not to understand us. It is for this reason that we often repeat what we fancy that those who are trying the cause may not have sufficiently comprehended; using such phrases as, *That part of our cause, which, through my fault, has been stated but obscurely,* etc., *on which account I shall have recourse to plainer and more common language;* since, when we pretend, occasionally, that we have not fully succeeded, the admission is sure to be well received from us.

* Book iv. c. 2.

CHAPTER III.

Of ornament of style; fondness for it in orators, § 1—4. It is however of service in gaining the attention of an audience, 5, 6. What sort of ornament should be studied; some faults border on excellences, 7—10. Ornament must be varied according to the nature of the subject, 11—14. Ornament from the choice of words, 15—18. Some words are used rather from necessity than because they are approved, 19, 20. Common words sometimes most effective, 21—23. Of the use of old words, 24—29. The moderns cautious in forming new words, 30—37. Unbecoming expressions to be avoided, 38, 39. The grace of a speaker's style depends partly on the language which he uses, and partly on his mode of delivery, 40, 41. Suitableness of style, 42, 43. Various faults of style; *τὸ κακέμφατον*, 44—47. Meanness, 48, 49. Diminution, tautology, uniformity, verbosity, superfluity of polish, 50—55. Affectation, ungraceful arrangement of words or matter, inelegant use of figures, injudicious mixture of different styles, 56—60. Excellence of clear and vivid description, 61—70. To attain it nature must be studied and imitated, 71. Assisted by similes, 72. But care must be taken that the similes themselves be lucid, 73. Further observations on similes, 74—81. Representation, 82. Emphasis, 83—86. Various modes of adorning and giving effect to language, 87—90.

1. I COME now to the subject of *embellishment*, in which doubtless, more than in any other department of oratory, the speaker is apt to give play to his fancy. For the praise of such as speak merely with correctness and perspicuity is but small; since they are thought rather to have avoided faults than to have attained any great excellence. 2. *Invention* of matter is often common to the orator and to the illiterate alike; *arrangement* may be considered to require but moderate learning; and whatever higher arts are used, are generally concealed, or they would cease to deserve the name of art; and all these qualities are directed to the *support* of causes alone. But by polish and embellishment of style the orator recommends himself to his auditors in his proper character; in his other efforts he courts the approbation of the learned, in this the applause of the multitude. 3. Cicero, in pleading the cause of Cornelius,* fought with arms that were not only stout, but dazzling; nor would he, merely by instructing the judge, or by speaking to the purpose and in pure Latin and with perspicuity, have caused the Roman people to testify their

* See iv. 3, 13.

admiration of him not only by acclamations, but even tumults of applause. It was the sublimity, magnificence, splendour, and dignity of his eloquence, that drew forth that thunder of approbation. 4. No such extraordinary commendation would have attended on the speaker, if his speech had been of an every-day character, and similar to ordinary speeches. I even believe that his audience were insensible of what they were doing, and that they gave their applause neither voluntarily nor with any exercise of judgment, but that, being carried away by enthusiasm, and unconscious of the place in which they stood, they burst forth instinctively into such transports of delight.

5. But this grace of style may contribute in no small degree to the success of a cause; for those who listen with pleasure are both more attentive and more ready to believe; they are very frequently captivated with pleasure, and sometimes hurried away in admiration. Thus the glitter of a sword strikes something of terror into the eyes, and thunderstorms themselves would not alarm us so much as they do if it were their force only, and not also their flame, that was dreaded. 6. Cicero, accordingly, in one of his letters to Brutus,* makes with good reason the following remark: *That eloquence which excites no admiration, I account as nothing.* Aristotle,† also, thinks that to excite admiration should be one of our greatest objects.

But let the embellishment of our style (for I will repeat what I said‡) be manly, noble, and chaste; let it not affect effeminate delicacy, or a complexion counterfeited by paint, but let it glow with genuine health and vigour. 7. Such is the justice of this rule, that though, in ornament, vices closely border on virtues, yet those who adopt what is vicious, disguise it with the name of some virtue. Let no one of those, therefore, who indulge in a vicious style, say that I am an enemy to those who speak with good taste. I do not deny that judicious embellishment is an excellence. but I do not allow that excellence to them. 8. Should I think a piece of land better cultivated, in which the owner should show me lilies, and violets, and anemones, and fountains playing, than one in which there is a plentiful harvest, or vines laden with

* Now lost: see ii. 20, 9.
† Rhet. iii. 2, 5; see also Longinus, sect. 1.
‡ See the introduction to this book, sect. 19.

grapes? Should I prefer barren plane trees, or clipped myrtles, to elms embraced with vines, and fruitful olive-trees? The rich may have such unproductive gratifications; but what would they be, if they had nothing else?

9. Shall not beauty, then, it may be asked, be regarded in the planting of fruit-trees? Undoubtedly; I would arrange my trees in a certain order, and observe regular intervals between them. What is more beautiful than the well-known quincunx,* which, in whatever direction you view it, presents straight lines? But a regular arrangment of trees is of advantage to their growth, as each of them then attracts an equal portion of the juices of the soil. 10. The tops of my olive, that rise too high, I shall lop off with my knife; it will spread itself more gracefully in a round form, and will at the same time produce fruit from more branches. The horse that has thin flanks is thought handsomer than one of a different shape, and is also more swift. The athlete, whose muscles have been developed by exercise, is pleasing to the sight, and is so much the better prepared for the combat. 11. True beauty is never separate from utility.† But to perceive this requires but a moderate portion of sagacity.

What is of more importance to be observed, is, that the graceful dress of our thoughts is still more becoming when varied with the nature of the subject. Recurring to our first division, we may remark that the same kind of embellishment will not be alike suitable for *demonstrative*, *deliberative*, and *judicial* topics. The first of these three kinds, adapted only for display, has no object but the pleasure of the audience; and it accordingly discloses all the resources of art, and all the pomp of language; it is not intended to steal into the mind, or to secure a victory, but strives only to gain applause and honour. 12. Whatever, therefore, may be attractive in conception, elegant in expression, pleasing in figures, rich in metaphor, or polished in composition, the orator, like a dealer, as it were, in eloquence, will lay before his audience for them to inspect, and almost to handle; for his success entirely con-

* See Virgil, Georg. ii. 277, 283; Cicero de Senect. c. 17; Xen. Œcon. c. 4, sect. 20.

† See Xen. Mem. Soc. B. iii. c. 8; Shaftesbury's Characteristics; Monboddo, Origin and Progress of Language, vol. iv. p. 367; Akenside's Pleasures of Imagination, i. 372.

cerns his reputation, and not his cause. 13. But when a serious affair is in question, and there is a contest in real earnest, anxiety for mere applause should be an orator's last concern. Indeed no speaker, where important interests are involved, should be very solicitous about his words. I do not mean to say that no ornaments of dress should be bestowed on such subjects, but that they should be as it were more close-fitting and severe, and thus display themselves less; and they should be, above all, well adapted to the subject. 14. In deliberations the senate expects something more elevated, the people something more spirited; and, in judicial pleadings, public and capital causes require a more exact style than ordinary; but as for private causes, and disputes about small sums, which are of frequent occurrence, simple language, the very reverse of that which is studied, will be far more suitable for them. Would not a speaker be ashamed to seek the recovery of a petty loan in elaborate periods? Or to display violent feeling in speaking of a gutter?* Or to perspire over a suit about taking back a slave?†

15. But let us pursue our subject; and, as the embellishment, as well as the perspicuity of language, depends either on the choice of single words, or on the combination of several together, let us consider what care they require separately, and what in conjunction. Though it has been justly said that perspicuity is better promoted by *proper* words, and embellishment by such as are *metaphorical*, we should feel certain, at the same time, that whatever is *improper* cannot *embellish*. 16 But as several words often signify the same thing, (and are called synonymous,) some of those words will be more becoming, or sublime, or elegant, or pleasing, or of better sound, than others; for as syllables formed of the better sounding letters are clearer, so words formed of such syllables are more melodious; and the fuller the sound of a word, the more agreeable it is to the ear; and what the junction of

* *Circa stillicidia.*] See Cicero Orat. c. 21. From the ancient writers it would appear that there were constant lawsuits about *stillicidia.* See Martial vi. 19; Lactant. de Fals. Relig. c. 1. *Almeloveen.*

† *In mancipii redhibitione.*] *Redhibitio* took place in consequence of an ædile's edict, when a person had sold another an unhealthy or ill-conditioned slave, and the buyer required that the money should be returned to him, and the slave taken back. *Turnebus.*

syllables effects, the junction of words effects also, proving that some words sound better in combination than others.

17, But words are to be variously used. To subjects of a repulsive character words that are harsh in sound are the more suitable. In general, however, the best words, considered singly, are such as have the fullest* or most agreeable sound. Elegant, too, are always to be preferred to coarse words; and for mean ones there is no place in polished style. 18. Such as are of a striking or elevated character are to be estimated according to their suitableness to our subject. That which appears sublime on one occasion, may seem tumid on another; and what appears mean when applied to a lofty subject, may adapt itself excellently to one of an inferior nature. In an elevated style a low word is remarkable, and, as it were, a blemish; and in like manner a grand or splendid word is unsuited to a plain style, and is in bad taste, as being like a tumour on a smooth surface.

19. Some words are to be estimated, not so much by reason, as by taste; as in the phrase,

—— *Cæsâ jungebant fœdera porcâ,*†

which the invention of a word has rendered elegant; for if *porco* had been used, it would have been mean. In others the reason for their use is plain. We lately laughed, and with justice, at a poet who said

Prætextam in cistâ mures rosere camilli,‡
The dwarfish mice the gown within the chest
Had gnawed;

20. but we admire the expression of Virgil,

—— *Sæpe exiguus mus,*§
Oft has the tiny mouse, &c.;

* *Maximè exclamant.*] That is, are *vocalissima, maximè sonora.* Capperonier. Compare ix. 4, 137.

† Æn. viii. 641. But the word *porca* occurs in Horace, Od. iii. 23, 4; also in Cato R. R. 134; and Cicero de Leg. ii. 22.

‡ Who the poet was, is unknown. *Spalding.* Burmann and Facciolati seem rightly to suppose that the writer used *camilli* for "little," as Camillus sometimes signified a little boy. Gesner and Spalding take it as the genitive of the proper name Camillus. But if it were so, there would be ground for comparison between the unknown poet's verse and that of Virgil.

§ Georg. i. 181.

fur the epithet *exiguus*, happily applied,* causes us not to expect too much; the singular number, also, is preferable to the plural; and the monosyllabic termination, which is uncommon, gives additional beauty. Horace has accordingly imitated Virgil in both these points:

——— *Nascetur ridiculus mus,*†
A paltry mouse will be produc'd.

21. Our language indeed is not always to be elevated, but sometimes to be depressed. Humility in our words sometimes gives of itself greater force to what we say. When Cicero, in speaking against Piso, exclaims, "When your whole family is drawn in a tumbril," does he not seem to have purposely adopted a mean word, and to have thrown, by the use of it, increased contempt on the man whom he wished to humble? And in another place he says, "You present your head to your adversary, butting with him."‡ 22. From such sources come jokes that please the illiterate; as these in Cicero, "The little boy, that slept with his elder sister;"§ "Cneius Flavius, who put out the eyes of the crows;"‖ and, in the speech for Milo, "Ho! you, Ruscio,"¶ and in that for

* The text has *aptum proprium*, in which Spalding, though he allows it to stand, says that he can see no sense. Obrecht has *aptatum proprium*, which is no better. Spalding conjectures *appositum* for *aptum*, but *appositum* is useless when *epitheton* precedes. Perhaps it should be *aptum* et *proprium*.

† A. P. 139.

‡ *Coniscans.*] A word properly used of rams. See Lucret. ii. 320. Compare also Virgil, Georg. ii. 526. *Spalding.*

§ *Pusio, qui cum majore sorore cubitabat.*] Cicero pro Cælio, c. 15. *Pusio* is a low word, and ambiguous in sense; for it meant *puellus* and *catamitus*. Turnebus.

‖ *Qui cornicum oculos confixit.*] Words adopted by Cicero from the common talk of the multitude. *Spalding.* See Cicero pro Muræn. c. 11. This was the Flavius who published, to the great annoyance of the legal practitioners, the *Jus Civile Flavianum*, a collection of rules respecting legal proceedings, and the days on which particular things might be done in the courts. See Livy, ix. 46. "To put out the eyes of crows," says Philander, "signified to defeat cunning men, (that is, in this case, the lawyers,) by cunning." It was a proverbial expression, as appears from Macrobius, Sat. vii. 5, *tamquam cornix cornici oculos effodiat.*

¶ Pro Milone, c. 22. Ruscio is the name of a slave whom Cicero supposes to be under examination as to whether Clodius lay in wait for Milo.

Varenus, *Erutius Antoniaster*,* "Erutius a puny Antony." Such humiliation of style is however still more remarkable in our school declamations, and, when I was a boy, such expressions as "Give your father bread," and, in reference to the same person, "You keep even a dog," used to be extolled.† 23. But the practice, though frequently the cause of laughter is dangerous, especially in the schools,‡ and more than ever at the present time, when the exercise of declamation, being greatly at variance with reality, suffers from a ridiculous fastidiousness about words, and has excluded from its language a great portion of the Latin tongue.

24. Words are *proper*,§ *newly coined*, or *metaphorical*. To proper words antiquity adds dignity; for old words, such as every writer would not think of using, render language more majestic and venerable; and of this kind of ornament Virgil, an author of extremely fine taste, has pre-eminently availed himself. 25. The words *olli*, and *quianam*, and *mis*,‖ and *pone*,¶ strike the reader of his poetry, and throw over it that authority of antiquity, which is so highly pleasing in pictures, and is unattainable by art. But we must use such words with moderation, and not extract them from the remotest darkness of past ages. *Satis* is old enough; what necessity is there, I would ask, for substituting *oppidò*, of which preceding writers, even in our own day, made use occasionally? I suspect that nobody would now allow us to use it; *antigerio*** assuredly, of which the signification is the same, no writer would use, unless he wished to make himself remarkable. 26. What need is

* Of the speech for Varenus only some fragments remain; it is mentioned vi. 1, 49, and elsewhere. The word Antoniaster, says Spalding, was *familiaris sermonis imitatio*.

† Putting him to shame that kept a dog, but would not keep his father.

‡ It was hazardous to the fastidious declaimers to insert any phrases of a humble and familiar nature among their *ampullæ* and *sesquipedalia verba*. They could not venture to introduce jests: see vi. 3, 14. *Spalding*.

§ That is, such as were in common use among all classes of people.

‖ For *mei*, genitive of *ego*, as appears from Ennius apud Priscian. lib. xiii. But this word is not now to be found in Virgil.

¶ *Pone*, as Rollin observes, does not occur as a preposition in Virgil, but only as an adverb.

** See i. 6, 40.

there for *ærumnæ*, as if to say *labor* was not sufficient?* *Reor* is repulsive ;† *autumo* just endurable ; *prolem ducendam* fit only for tragedy ; *universam ejus prosapiam*‡ tasteless. In short, almost all our language has undergone change. 27 Some old words, however, still appear more pleasing from their antiquity ; some are at times adopted from necessity, as *nuncupare* and *fari ;* and many others may be introduced with a little venturesomeness, provided that no affectation be apparent in the use of them ; a fault which Virgil ridicules with wonderful effect in the following epigram :

28. *Corinthiorum amator iste verborum,*
Thucydides Britannus, Atticæ febres,
Tau Gallicum, min, al, spinæ male illisit.
Ita omnia ista verba miscuit fratri.§

29. The person on whom it was made was Cimber, by whom it was signified in the words of Cicero, *Germanum Cimber occidit,*‖ that his brother was killed. Sallust is also attacked in an epigram equally well known :

Et verba antiqui multum furate Catonis,
Crispe, Jugurthinæ conditor historiæ ;

"And thou, O Crispus, the author of the history of Jugurtha ;

* Yet *ærumnæ* is used by Cicero and Ovid, as Burmann remarks.

† *Horridum reor.*] "I know not," says Burmann, "whether we ought to submit to the judgment of Quintilian about this word ; for, to say nothing of Terence and the more ancient writers, it is used several times by Cicero, Ovid, and Virgil ; but perhaps Quintilian's "horridum" refers to the *sound of the canine letter* at the beginning and end of the word."

‡ See i. 6, 40.

§ This epigram cannot be fully translated. Of the third line no interpretation can be given ; for to correct it is hopeless, though emendations have been attempted by different critics, with the aid of Ausonius's Grammaticomastix, 349. *Corinthian words* in the first verse are supposed by Spalding and others to mean "scarce words," *outré* and far-fetched, in allusion to Corinthian brass. *Thucydides Britannus,* as Gesner says, seems to indicate that Cimber wrote something about Britain, perhaps in a style meant to emulate that of Thucydides. *Atticæ febres* Spalding supposes to mean feverish attempts at Attic eloquence. The last line, "So he mixed all those words for his brother," is an allusion to the poison which he is said to have mixed for him.

‖ A play on the word *Germanus.* The phrase will signify either "Cimber killed a German," or "Cimber killed his brother." Compare Vell. Pat. ii. 67. This Cimber was Titus Annius Cimber, not the assassin of Cæsar. See Cicero Philipp. xi. 6.

who hast plentifully stolen words from old Cato." 30. It is an offensive kind of affectation; it is easy to any one; and it is so much the worse, as he who indulges in it* will not suit his words to his matter, but will seek extraneous matter to which his obsolete words may be applied.

To *invent words*, as I observed in the first book,† has been more largely allowed to the Greeks, who have not hesitated to form words significant of certain sounds and impressions on the senses,‡ using a liberty like that with which the earliest inhabitants of the earth gave appellations to things. 31. But our countrymen, though they have made some few attempts in composition and derivation, have scarcely attained full success in their efforts. I remember that when I was very young, it was a subject of discussion between Pomponius§ and Seneca even in their prefaces,‖ whether *gradus eliminat*, "advances his steps over the threshold,"¶ was a proper expression. But our forefathers did not hesitate to say *expectorat*;** and *exanimat* is certainly of the same stamp. 32. Of derivation and formation there are such examples as *beatitas* and *beatitudo* in Cicero,†† which he himself indeed considers harsh, but thinks that they may grow less repulsive by use. Certain derivatives have been formed, too, not only from common words, but from proper names, as *Sullaturit* by Cicero,‡‡ and *Fimbriatum* and *Figulatum* by Asinius Pollio.§§ 33. Many new words have

* *Rei studiosus.*] For *rei* Spalding very justly supposes that we should read *ejus*.

† C. 5, sect. 70.

‡ As σίζειν, λίγξε, φλοῖσβος, πάταγος. *Capperonier.* See i. 5, 72.

§ This is doubtless the Lucius Pomponius Secundus to whom Pliny alludes, H. N. vii. 19, as a tragic poet, who had been consul. *Spalding.*

‖ Whether by "prefaces" is meant prefaces prefixed to some of their tragedies, or prefatory discussions in conversation, I cannot say. *Spalding.*

¶ Nonius Marcellus, i. 179, cites *elimino* from another Pomponius.

** Cicero De Orat. iii. 38.

†† De Nat. Deor. i. 34.

‡‡ Ad Att. ix. 10. Compare viii. 6, 32.

§§ The last of these words I suppose to have been used by Asinius Pollio in the action about the property of Urbinia, vii. 2, 26, where he may have said that the slave Sosipater was suddenly *Figulatus*, i. e., metamorphosed into Clusinus Figulus. On what occasion *Fimbriatus* was used, or to whom applied, I see no means of conjecturing. *Spalding.*

also been formed from the Greek,* and a great portion of them by Sergius Flavius, of which some seem rather harsh, as *ens* and *essentia;* yet why we should so much dislike them, I do not see, except that we are disposed to be unjust judges in our own case, and suffer in consequence from poverty of language. 34. Some words of this kind, however, keep their ground; for those which are now old were once new; and some have but recently come into use, since Messala first used *reatus*, "the condition of a person under accusation," and Augustus Cæsar *munerarius*, "belonging to presents or shows of gladiators." My teachers were still in doubt whether *piratica*, "piracy," *musica*, "music," and *fabrica*, "the art of construction," could properly be used. 35. *Favor*, "favour," and *urbanus*, "in the sense of "witty," Cicero thought new; for, in a letter to Brutus,† he says, *Eum amorem, et eum* (*ut hoc verbo utar*) *favorem; in consilium advocabo*, and in a letter to Appius Pulcher,‡ *Te hominem, non solum sapientem, verum etiam* (*ut nunc loquimur*) *urbanum*. Cicero also thinks that *obsequium*, "compliance," was first used by Terence;§ and Cæcilius says that the expression *albenti cœlo*, "the heaven growing clear," originated with Sisenna.‖ Hortensius appears to have first used *cervix* in the singular;¶ for the ancients have it in the plural. We may, therefore, make attempts; for I do not agree with Celsus, who does not admit that words may be invented by the orator. 36. Since,—when some words, as Cicero says,** are *primitive*, that is, used in their original sense, and others *derived*, or formed from the primitive,—though it may not be allowable for us to coin new words, different from those which the first men, however barbarous, invented, yet at what

* *Ex Græco formata.*] Formed after the manner of the Greeks, or translated from the Greek. See ii. 14, 2.

† Now lost. See sect. 6.

‡ Epist. ad Div. iii. 8.

§ See Cicero de Amicit. c. 24.

‖ It was doubtless Cæcilius the Rhetorician (comp. iii. 1, 16,) that made this observation with regard to the historian Sisenna; see i. 5, 13. Afterwards it was used by Cæsar, as may be seen in the Lexicons. Forcellini cites *albescente cœlo* from the Pandects, xxviii. 2, 25. *Spalding.*

¶ See Varro L. L. viii. 5; x. 4. In the first of these passages it is said that Hortensius used the word *in poematis*. What Hortensius is meant is uncertain.

** Orat. Partit. c. 5.

time did it cease to be allowable to derive, vary, and compound words, a privilege which was surely granted to the immediate successors of the first men? 37. If we ever think, moreover, that we are coining a word too venturously, we may defend it with some apologetical phrase, as, *that I may so express myself; if I may be allowed so to speak; in some way; permit me to use the word;* a mode of excuse that may be serviceable when we use expressions which are too daringly metaphorical,† and which can hardly be hazarded with safety; for it will thus be evident, from our very caution, that our judgment is not at fault. In regard to this point there is a very elegant Greek saying, in which we are directed προεπικλήσσειν τῇ ὑπερβολῇ, "to be the first to blame our own hyperbole."‡

38. A metaphorical use of words cannot be commended except in the contexture of discourse.

Enough, then, has been said of words considered singly, which, as I showed in another place,§ have no beauty in themselves; yet they are not inelegant unless when they are below the dignity of the subject on which we have to speak; always excepting the expression of obscenities by their exact terms. 39. Let those attend to this remark, who think that obscene expressions need not be avoided, because there is no word indecent in itself,‖ and because, as they say, whatever indecency there is in any act, the idea of it is still conveyed to the intellect under whatever other phraseology it may be veiled. For my own part, satisfied with the observance of Roman modesty, I shall, as I have already replied to such reasoners,¶ vindicate decorum by silence.

40. Let us then proceed to consider the nature of *connected discourse*, the embellishment of which requires, above all, attention to two points; *what language we conceive in our minds*, and *how we express it*. In the first place, we must settle what we would wish to amplify or extenuate; what we would express vehemently or calmly, floridly or austerely, verbosely or concisely, roughly or mildly, grandly or simply, impressively or attractively. 41. We must also consider with what kind of metaphors or other figures, with what thoughts,

* Compare c. 2, sect. 20.
† Cicero de Orat. iii. 41. Longinus, sect. 32.
‡ Aristot. Rhet. iii. 7, 9. § I. 5, 3.
‖ See Aristot. Rhet. iii. 2, 13. ¶ Where?

in what style, and with what arrangement of matter, we may be likely to effect the object which we wish to accomplish.

But in attempting to show by what means a style may be rendered elegant, I shall first touch on the faults which are opposed to elegance; for the beginning of excellence is to be free from error. 42. We must first of all, then, not expect that a style will be elegant which is not appropriate. What Cicero* calls *appropriate* is that kind of style which is neither more nor less in any respect than is becoming; not that it should not be neat and polished, (for that is a part of elegance,) but because wherever there is excess there is faultiness. 43. He would accordingly have *authority in the words, and thoughts that are either impressive in themselves, or suited to the opinions and manners of the audience.* For if these particulars be observed, we may adopt those forms of expression by which he considers that style is rendered ornate, select *terms, metaphorical and hyperbolical phrases, epithets, repetitions,*† *synonymes, and all such phraseology as is not unsuitable to the subject of our speech, or to the representation of things.*‡

44. But since I have undertaken first to point out faults, let me observe that one sort of fault is that which is called καχέμφατον: whether the words which we use have by bad custom been distorted to an obscene meaning, as *ductare exercitus*§ and *patrare bellum*‖ have been, by those who laugh, please the gods, at phrases which Sallust used in their pure and antique sense; (and I consider that the blame lies, therefore, not with writers but with readers; 45. yet such expressions are to be avoided, inasmuch as we have perverted pure words through corruption of morals, and we must yield even to prevailing vices;) or whether the junction of two words suggests by its sound something obscene, as, for instance, if we say *cum hominibus*

* Orat. Partit. c. 6.

† *Duplicia.*] Words doubled by the figure which the grammarians call epizeuxis, *occidi, occidi, Ah Corydon, Corydon,* &c. Compare b. ix. c. 1, *cùm aut duplicantur iteranturque verba.* Capperonier.

‡ See note on sect. 30.

§ Propriè ductari scorta dicuntur, cùm ad libidinem abducuntur. Plaut. Asin. i. 3, 12; v. 11, 13; Terent. Phorm. iii. 2, 15. *Burmann.*

‖ It was by joining *patrare* with *bellum* that Sallust afforded occasion for remark to foolish and impudent critics, for *bellum* might be taken in the signification of *pusionem, delicatum puerum.* So *conficere virginem,* Terent Eun. iv. 4 *Burmann.*

notis loqui, unless the word *hominibus* be placed between *cum* and *notis*, we appear to fall into that which requires some prefatory excuse;* for the last letter of the preceding syllable *cum*, which cannot be pronounced without the lips meeting together, either obliges us to pause most unbecomingly, or, if it be united with the following letter *n*, partakes of the objectionable sound of it.† 46. There are other junctions of words that produce a similar effect, but it would be tedious to specify them, and, in doing so, I should dwell upon the fault which I say should be avoided. Let me observe, however, that the division of a word sometimes gives the same offence to modesty; as in the use of the nominative case of *intercapedinis*.‡ 47. Nor is such misrepresentation made of what is written only; for many readers will try, unless we are very cautious, to intimate that something of an obscene nature is suggested, (like him in Ovid,

> *Quæque latent, meliora putat,*
> Whate'er is hid, he more attractive deems,)

and to extract from words which are as free from indecency as possible, some reason for a charge of indecency. Thus Celsus finds the κακέμφατον in the words of Virgil,

> *Incipiunt agitata tumescere;*§

but if we allow this to be the case, it is not safe to say anything.

48. The next fault to unseemliness of expression is that of *meanness*, which the Greeks call ταπείνωσις, and by which the greatness or dignity of a thing is depreciated, as *Saxea est verruca in summo montis vertice*, "It is a stone wart on the top of the mountain's head." To this fault the opposite in nature, but equal in departure from judgment, is to apply to little things terms of extravagant meaning, unless to excite laughter be our object in doing so. We should not, therefore, call a parricide a *vicious* man, nor a man attached to a harlot, a

* *In præfanda.*] This is Spalding's reading. Some copies have *in præfata*, that is, "into the faults before mentioned."

† See the same objection to saying *cum nobis* mentioned by Cicero Orat. c. 45.

‡ Quia *pedo* per se verbum turpe est.

§ Georg. i. 357. Capilupus, in his centos from Virgil, has *Incipiunt agitata tumescere turpia membra*, as Gallæus observes.

villain; for the former appellation expresses too little, and the latter too much. 49. From such errors in judgment composition is rendered *dull* or *mean*, or *dry*, or *flat*, or *disagreeable*, or *slovenly;* faults which are easily understood by reflecting on the opposite excellences; for the first is opposed to the *spirited*, the second to the *elegant*, the third to the *rich*, and the others to the *cheerful, attractive*, and *correct.*

50. We must also avoid the fault called μείωσις, "diminution," when something is wanting to an expression, so that it is not sufficiently full; though this indeed is rather a fault of obscurity than of neglect of ornament in style. But when diminution is adopted by writers designedly, it is called a figure, as is the case with ταυτολογία, "tautology," that is, the repetition of the same word or phrase. 51. The latter, though not wholly avoided even by the best authors, may yet be considered a fault; but it is one into which Cicero* himself often falls, through inattention to such petty carefulness; as in the words, *Non solum illud judicium judicii simile, judices, non fuit*, "Not only that judgment, judges, was not like a judgment." Sometimes it is called by another name, ἐπανάληψις, and is also numbered among the figures, of which I shall give examples in that part of my work† where the beauties of style are to be noticed.

52. A worse fault than this is ὁμοιολογία, "sameness of style," which relieves the weariness of the reader with no gratification from variety, but is all of one complexion, by which it is fully proved to be deficient in oratorical art; and, from the tameness of its thoughts and figures of speech, as well as from the monotony of its phraseology, it is most disagreeable not only to the mind but also to the ear. 53. We must beware too of μακρολογία, that is, the use of more words than is necessary, as in Livy,‡ *Legati, non impetratâ pace, retro domum, unde venerant, abierunt*, "The ambassadors, not having obtained peace, returned back home, from whence they had come." But *periphrasis*, which is akin to macrology, is thought a beauty.

Another fault is πλεονασμός, "pleonasm," when a sentence

* Pro Cluent. c. 35. † B. ix. c. 2.

‡ Spalding observes that neither he nor any other commentator has been able to find these words in Livy; but that Facciolati refers to two passages very similar in expression, xxiv. 20 and 40.

is burdened with superfluous words, as *I saw with my eyes*; for *I saw* is sufficient. 54. Cicero humorously corrected a fault of this kind in Hirtius, who having said, in a declamation against Pansa,* that *a son had been borne ten months by his mother in her womb, What*, exclaimed Cicero, *do other women bear their children in their cloaks?*† Sometimes, however, that kind of pleonasm, of which I gave an example just before, is used for the purpose of affirming more strongly; as,

Vocemque his auribus hausi,‡
And with these very ears his voice I heard.

55. But such addition will be a fault whenever it is useless and redundant, not when it is intended. There is also a fault called περιεργία, *superfluous operoseness*, if I may so express myself, differing from judicious care, just as a fidgetty man differs from an industrious one, or as superstition from religion; and, to make an end of my remarks on this point, every word that contributes neither to the sense nor to the embellishment of what we write, may be called vicious.

56. Κακόζηλον, *injudicious affectation*, is a fault in every kind of style; for whatever is *tumid*, or *jejune*, or *luscious*, or *redundant*, or *far-fetched*, or *unequal*, may come under this term; all, indeed, that goes beyond excellence, all that is produced when imagination is not guided by judgment, and is misled by the appearance of some fancied beauty, may be characterized as affected; a fault which is the worst of all faults in oratory; for other faults are merely not avoided, but this is pursued. But it lies wholly in language. 57. Faults in *matter* are, that it is *void of sense*, or *common*, or *contradictory*, or *redundant;* corruption of *style* arises chiefly from the use or words that are *improper*, *superfluous*, or *obscure in meaning*, or from *feebleness in composition*, or *puerile seeking for similar or equivocal expressions*. 58. But all affectation is something false, though everything false is not affectation. To be affected in style is to speak otherwise than nature directs, or than is proper, or to use more words than are sufficient. Language

* When they were declaiming with Dolabella and others under the tuition of Cicero. See Cicero, Epist. ad Div. ix. 18.

† *In penulâ.*] Instead of *penulâ*, says Spalding, *perulâ*, "a small wallet," has been suggested by some critic; some say by Passeratius.

‡ Virg. Æn. iv. 359.

is corrupted in as many ways as it is improved. But on this head I have spoken more fully in another work;* it is noticed also frequently in this, and will be noticed occasionally hereafter; for, in speaking of ornament, I shall speak from time to time of such faults as border on excellences, and are to be avoided.

59. The following blemishes also spoil the beauty of composition: *Want of proper arrangement*, which the Greeks call ἀνοικονόμητον: *unskilful use of figures*, which they call ἀσχήματον: *inelegant junction of words or phrases*, which they term κακοσύνθετον. Of arrangement, however, I have already treated;† of *figures* and *composition* I shall treat hereafter.‡ Another kind of fault which the Greeks notice is κωνισμός, the compounding of a style from different dialects; as, for example, if a writer should mix Doric, Ionic, and Æolic words with Attic. 60. A fault similar to this in our writers, is to mix grand words with mean, old with new, such as are poetical with such as are common. This produces such a monstrosity as Horace imagines at the commencement of his book on the Art of Poetry,

> *Humano capiti cervicem pictor equinam*
> *Jungere si velit,*
> If to a human head a horse's neck
> A painter chose to join,

and to add other parts from different animals.

61. *Ornament* is something superadded to perspicuity and propriety. The first two steps towards it consist in a vigorous conception and expression of what we wish to say; the third requisite is, to render what we have conceived and expressed more attractive, and this is what we properly call *embellishment*. Let us, therefore, number ἐνάργεια, which I noticed in my directions respecting narration,§ among the ornaments of style, because *distinctness*, or, as some call it, *representation*, is something more than mere *perspicuity*; for while perspicuity merely lets itself be seen, ἐνάργεια forces itself on the reader's notice. 62. It is a great merit to set forth the objects of which we speak in lively colours, and so that they may as it were be seen; for our language is not

* On the Causes of the Corruption of Eloquence; see b. vi., Introd.
† B. vii. ‡ B. ix. chs. 1, 2, 3, 4.
§ IV. 2, 63. Comp. vi. 2, 32.

sufficiently effective and has not that absolute power which it ought to have, if it impresses only the ears, and if the judge feels that the particulars, on which he has to give a decision, are merely stated to him, and not described graphically, or displayed to the eyes of his mind. 63. But as this art of depiction is contemplated by writers under several heads, I shall divide it, not indeed into all the parts which they specify, and of which the number is ambitiously augmented by some of them, but into the principal, on each of which I shall say something.

There is, then, one kind, by which the whole figure of an object is painted as it were in words:

*Constitit in digitos extemplo arrectus uterque,**
Forthwith erect upon their toes both stood,

with the other particulars described, which set before us the appearance of the contending champions with such exactness, that it could not have been plainer even to the spectators themselves. 64. In this quality of style, as in all others, Cicero displays the highest excellence. Is any one so incapable of conceiving images of objects, that, when he reads the description in the oration against Verres,† *The prætor of the Roman people, with sandals, with a purple cloak after the Greek fashion, and a tunic reaching to his feet, stood upon the shore leaning on a courtezan*, he does not seem to behold the very aspect and dress of the man, and even to imagine for himself many particulars that are not expressed? 65. I, for my part, seem to myself to see his countenance, the look of his eyes, the repulsive dalliance of him and his mistress, and the tacit disgust, and shrinking modesty, of those who witnessed the scene.

66. Sometimes the picture, which we endeavour to exhibit, is made to consist of several particulars, as is seen in the same orator (for he alone affords examples of every excellence in embellishment) in the description of a luxurious banquet: *I seemed to myself to see some entering, others going out, some tottering from the effects of wine, some yawning from yesterday's carousal. The ground was polluted, muddy with spilt wine, and covered with faded garlands and fish-bones.*‡ What more

* Æn. v. 426. † V. 33; see Quint. xi. 3, 90.

‡ From a speech of Cicero in defence of Gallius, when he was accused of bribery, as appears from Aquila Romanus. The speech is lost.

could a person who had entered the place have seen? 67. It is thus that commiseration for captured cities is excited; for though he who says that a city *is captured*, doubtless comprehends under that expression all the circumstances with which such a calamity is attended, yet this short kind of announcement makes no impression on the feelings. 68. If you expand, however, what was intimated in the single word, there will be seen flames spreading over houses and temples; there will be heard the crash of falling edifices, and a confused noise of various outcries; there will be seen some fleeing, and others clinging in the last embrace of their relatives; there will be the lamentations of women and children, and old men preserved by an unhappy fate to see that day; 69. there will be the pillaging of profane and sacred treasures; the hurrying of soldiers carrying off their booty and seeking for more; prisoners driven in chains before their captors; mothers struggling to retain their infants; and battles among the conquerors wherever the plunder is most inviting. For though, as I said, the idea of the city being taken includes all these circumstances, yet it is less impressive to tell the whole at once than to specify the different particulars; and the particulars we shall succeed in making vivid if we but give them a resemblance to truth. 70. We may also invent some circumstances, such as are likely to occur on such occasions.

A similar vividness will be given to description by the mention of adjuncts or consequences; as,

Mihi frigidus horror
*Membra quatit, gelidusque coit formidine sanguis,**
A shiv'ring horror shakes
My limbs, and my cold blood congeals with fear;

—— *Trepidæ matres pressere ad pectora natos,*†
Trembling mothers clasp'd
Their infants to their breasts.

71. To the attainment of this excellence, (an excellence, in my opinion, of the highest order,) the way is very easy. We must look to nature, and follow her. All eloquence relates to the transactions of human life; every man refers what he hears to himself; and the mind easily admits what it recognizes as true to nature.

* Æn. iii. 29. † Æn. vii. 518

72. To throw light upon descriptions *similes* have been very happily invented; some of which, as they strengthen proof, are numbered among arguments; others are adapted to give a lively representation of things; and it is this sort that is applicable to the present head of our subject·

Inde lupi ceu
*Raptores atrâ in nebulâ,**
Thence like rav'ning wolves,
In a dark mist,

and

—— *Avi similis, quæ circum litora, circum*
Piscosos scopulos, humilis volat æquora juxta,†
—— Like the bird that flies
Around the shores, around the fishy rocks,
Low, near the sea.

73. In the use of this kind of illustration we must take the greatest care that what we introduce by way of similitude may not be obscure or unknown; for that which is offered as an illustration of something else, ought to be plainer than that which it is meant to illustrate. Similes of the following kind we may accordingly leave to the poets:

Qualis ubi hybernam Lyciam, Xanthique fluenta
Deserit, aut Delon maternam invisit Apollo;‡
As when Apollo wintry Lycia quits
And Xanthus' stream, or visits Delos' isle,
His birth-place.

74. It would not become an orator to demonstrate something plain by a reference to something obscure. But that kind of simile also, of which I spoke in treating of arguments,§ contributes to the ornament of style, and helps to render it sublime, or florid, or attractive, or striking. The more distant, indeed, is the subject from which any illustration is drawn, the more novelty it has, and the more surprise it causes. 75. Such as the following may seem common, adapted only to aid in enforcing conviction: *As ground is made better and more fertile by culture, so is the mind by learning:* and, *As surgeons amputate limbs rendered useless by disease, so base and mischievous persons, though intimately allied to us by blood, must be cut off from our society*, This from the speech

* Æn. ii. 355.
† Æn. iv. 254.
‡ Æn. iv. 143.
§ B. v. c. 11.

for Archias* is more sublime; *Stones and deserts reply to the voice; fierce wild beasts are often moved, and stand still, at the song of the poet,* etc. 76. This kind of similes is often greatly abused by the licentiousness of declaimers; for they adopt such as are false; and they do not apply them fairly to the things to which they wish them to seem applicable. An example of both faults is afforded in some that were every where repeated when I was a young man: *Of great rivers the sources are navigable;* and, *The generous tree bears fruit as soon as it springs up.*

77. In every comparison, either the simile precedes and the subject of it follows, or the subject precedes and the simile follows. But sometimes the simile stands by itself and is unconnected; sometimes, as is preferable, it is joined with the object of which it is the representation, resemblances in the one answering to resemblances in the other; an effect which what we call *redditio contraria*, and the Greeks ἀνταπόδοσις, produces. 78. The simile which I mentioned just above, precedes the subject:

Inde lupi ceu
Raptores atrâ in nebulâ;

that in the first book of the Georgics,† after the long complaint concerning civil and foreign wars, follows its subject:

Ut quum carceribus sese effudêre quadrigæ,
Addunt in spatia; et frustra retinacula tendens
Fertur equis auriga, nec audit currus habenas.

As when the chariots from the barriers start,
And speed athwart the plain; the charioteer,
Tight'ning in vain the curb, is borne away
By his own steeds, nor heeds the car the rein.

But this simile is without any ἀνταπόδοσις. 79. Such mutual correspondence, however, brings under the eye as it were both objects of comparison, and displays them together. I find many noble examples of it in Virgil; but I must take them from the orators in preference. Cicero, in his speech for Muræna,‡ says, *As they say that those, among the Greek musicians, who cannot become players on the lyre, may become players on the flute, so we see that those who cannot become*

* C. 8. † Ver. 512. ‡ C. 13.

orators betake themselves to the study of the law. 80. There is is another example in the same speech,* animated with a spirit almost of poetry, and with an antapodosis, which renders it more effective as an embellishment: *For as tempests are oftentimes excited by the influence of some particular sign in the heavens, and oftentimes arise suddenly, without any assignable cause, and from some undiscoverable origin, so in regard to such a tempest of the people at the comitia, though we may often understand by what influence it has been raised, yet its origin is often so obscure, that it seems to have arisen without any cause at all,* 81. There are also short similes of this kind; as, *Wandering through the woods after the manner of wild beasts;* and that of Cicero in reference to Clodius,† *From which trial he escaped naked, as from a house on fire.* But similes like these will occur to the recollection of every one, from everyday conversation.

With this kind of simile is connected the power of setting a thing before the eye, not only with plainness, but concisely and quickly. 82. Brevity, indeed, to which nothing is wanting, is justly extolled, but that kind of brevity which says nothing more than is necessary, (the Greeks call it βραχυλογία, and it shall be noticed among the figures of speech,‡) is less deserving of commendation. Yet it is very happy when it comprises much in few words, as in the phrase of Sallust, *Mithridates corpore ingenti, perinde armatus,* "Mithridates, of vast stature, and suitably armed."§ But obscurity attends on those who attempt such conciseness injudiciously.

83. A beauty akin to the preceding, but of higher merit, is *emphasis*, which intimates a deeper meaning than the words used actually express. There are, however, two kinds of it; one which signifies more than is said; the other which signifies something that is not said. 84. Of the former kind there is a specimen in Homer,‖ where Menelaus says, that the Greeks *descended* into the horse; for by that one word he shows the vastness of the horse; and there is a similar specimen in Virgil,

* C. 17. † See iii. 7, 2. *Spalding.* ‡ IX. 3, 50.

§ From Sallust's History. Burmann gives a similar phrase from Florus, iii. 2, 3. *Atrox cœlum, perinde ingenia.*

‖ Odyss. xi. 522. But the words are those of Ulysses, as Spalding observes, not of Menelaus.

*Demissum lapsi per funem,**
Descending by a rope let down,

for thus also the height of the horse is signified. Virgil, too, when he says that the Cyclops *lay stretched through the cave,*† measures the prodigious bulk of his body by the space of ground that it occupied. 85. The latter kind consists either in the entire suppression of a word in what we say, or in the omission of it at the close. As to the suppression of a word or thought, Cicero has given an instance of it in his speech for Ligarius.‡ *But if, Cæsar, in your present height of power you had not so much clemency in your own disposition as you have; in your own disposition, I say; I know how I am expressing myself;* for he suppresses that which we nevertheless understand, that there were not wanting men to incite him to cruelty. An omission at the close is by ἀποσιώπησις, which, as it is a figure, will be noticed in its proper place.§ 86. There is emphasis also in many common expressions; as, *You must be a man;* and, *He is but a mortal;*‖ and, *We must live.*¶ So like is nature in general to art.

It is not enough, however, for eloquence to set forth the subjects of discussion clearly and vividly; but there are many and various modes of *embellishing* language. 87. The ἀφέλεια of the Greeks, "simplicity" pure and unaffected, carries with it a certain *chaste ornament*, such as is so much liked in women; and there is a certain pleasing delicacy of style that arises from a nicety of care about the propriety and significancy of words. Of *copiousness* there is one kind that is rich in thought, and another that abounds with flowers. 88. Of *force* there is more than one species; for whatever is complete in its kind, has its proper force. Its chief manifestation, however, is δείνωσις, "vehemence" in *exaggerating an indignity;* in regard to other subjects a certain *depth;* in conceiving images of things, φαντασία; in *fulfilling* as it were a proposed work, ἐξεργασία; to which is added ἐπεξεργασία, *a repetition of the same proof*, or superabundant accumulation of argument. 89. Allied to these qualities is ἐνέργεια, which has its name

* Æn. ii. 262. † Æn. iii. 631. ‡ C. 5.
§ IX. 2, 54; 3, 60. ‖ An excuse for faults.
¶ *Vivendum est.*] That is, *genio indulgendum;* we must make the most of life. *Turnebus.*

from *action*, and of which the chief virtue is to prevent what is said from being ineffective. There is also a kind of *bitter force*, which is commonly employed in invective, as in the question of Cassius,* *What will you say when I shall invade your domain, that is, when I shall teach you that you do not know how to revile?* A sort of *sharp force*, also, as in the saying of Crassus,† *Should I consider you a consul, when you do not consider me a senator?* But the chief power of an orator lies in *exaggeration* and *extenuation*. Each has the same number of expedients, on a few of which I shall touch; those which I omit will be of a similar character. 90. But they all have their sources in *matter* or in *words*. Of the invention and arrangement of matter, however, I have already treated; my present business is to show how *expression* may contribute to *elevate* or *depress* a subject.

CHAPTER IV.

Of amplification and diminution; things are exaggerated or extenuated by the terms applied to them, § 1, 2. Modes of augmentation, 3—9. By comparison, 10—14. By reasoning and inference, 15—25. By an accumulation of terms or particulars, 26, 27. Modes of extenuation are similar, 28. Hyperbole, 29.

1. The first mode of *amplifying* or *extenuating*, then, lies in the nature of the term which we apply to anything, as when we say, that a man who was *beaten*, was *murdered;* that one who is *disingenuous*, is a *thief;* or, on the other hand, that one who *beat* another, *touched* him, or that one who *wounded* another, *hurt* him. Of both there is an example in one passage of the speech for Cælius;‡ *If a woman, being a widow, lives freely; being bold, lives without restraint; being rich, lives luxuriously; being wanton, lives like a courtezan; should I, if a man salutes her somewhat familiarly, consider him as an adulterer?* 2. For he calls a woman who was rather immodest,

* We can scarcely doubt that Cassius Severus is meant. *Spalding.*

† Lucius Licinius Crassus, the celebrated orator, uttered these words in the senate, when he repulsed the lictor that Philippus sent to him. See Val. Max. vi. 2. *Spalding.*

‡ C. 16.

a *courtezan;* and says, that he who had been long connected with her, saluted her *somewhat familiarly.* This sort of amplification becomes stronger and more remarkable, when the terms of larger meaning are compared with those for which we substitute them; thus Cicero says in his speech against Verres,* *We have brought before your tribunal, not a thief, but an open robber; not a simple fornicator, but a violator of all chastity; not a person guilty only of sacrilege, but an open enemy to everything sacred and religious; not a mere assassin, but a most cruel executioner of our countrymen and allies.* 3. By the first term much is signified; by the second still more.

I see that amplification, however, is effected chiefly in four ways; by *augmentation,* by *comparison,* by *reasoning,* and by *accumulation.*

Augmentation is most effective, when even things of which we speak as inferior to others, are made to seem of importance. This may be done either by one step or by several. By augmentation we reach, not only the highest point, but sometimes, as it were, beyond that point. 4. To exemplify all these remarks a single instance from Cicero† will suffice: *It is an offence to bind a Roman citizen, a crime to scourge him, almost treason to put him to death; and what shall I say that it is to crucify him?* 5. For had the Roman citizen only been scourged, Cicero would have exaggerated the guilt of Verres [illegible] by saying, that even a less kind of punishment than scourging was *an offence;* and had he only been put to death, the guilt would have been aggravated by another degree; but after having said, that to put him to death was *almost treason,* a crime than which there is no greater; Cicero adds, *what shall I say that it is to crucify him?* When he had come to that crime, which is the greatest of all, words were necessarily wanting to express anything beyond it. 6. An advance, beyond what seems highest, may also be made in another way; as in what Virgil says concerning Lausus:

Quo pulchrior alter
Non fuit, excepto Laurentis corpore Turni,‡
Than whom
Was none more beautiful, except the form
Of the Laurentian Turnus.

* I. 3. † In Verr. v. 56. ‡ Æn. vii. 649.

To say, *than whom was none more beautiful*, was to go apparently as high as possible, but something was afterwards added. 7. There is also a third way, in which we do not advance by steps, there being no *more* and *most*, but proceed at once to something than which nothing greater can be named: *You killed your mother; what shall I say more; you killed your mother.** For this is a kind of augmentation, to represent anything as so great that it cannot be augmented 8. Language is amplified less evidently, but perhaps for that very reason more effectively, when, without any breaks, but in one continuous series and course, something always follows greater than what goes before; thus Cicero† reproaches Antony with his vomiting, *In an assembly of the people of Rome, when holding a public office, when master of the horse.* Every particular is an advance on that which precedes: *To vomit from excessive drinking* would have been of itself disgusting, even if not before *a public assembly;* it would have been disgusting before a public assembly, even if not of *a whole people;* before a whole people, even if not *the people of Rome;* even if he had held no *office*, or not a *public office*, or not that of *master of the horse.* 9. Another speaker might have distinguished these steps, and dwelt upon each of them; Cicero hastens to the summit at once, and gains it, not by climbing, but at the utmost speed.

But as this kind of amplification looks always to something higher, so that which is made by *comparison* seeks to raise itself on something lower. For by elevating that which is beneath, it must of necessity exalt that which is placed above. 10. Thus Cicero, in the passage just quoted, says, *If this had happened to you at a banquet, and over those immense cups of yours, who would not have thought it disgraceful? But when it occurred before an assembly of the Roman people*, etc. And in one of his speeches against Catiline.‡ *If, assuredly, my slaves feared me, as all your fellow-citizens fear you, I should think that I must quit my house.* 11. Sometimes, by mentioning an instance of something similar, we may make that which we wish to exaggerate appear greater: thus Cicero, in his speech

* As no author's name is attached to this example, we may suppose it to be Quintilian's own. *Spalding.* Some would refer it to the case of Orestes.

† Philipp. ii. 25.

‡ In Cat. i. 7.

for Cluentius,* having related that a woman of Miletus had received a bribe from the heirs in reversion to cause abortion in her own person, exclaims, *Of how much greater punishment is Oppianicus deserving for a crime of a similar nature? The woman of Miletus, in doing violence to her own body, tortured only herself; Oppianicus effected a like object by violence and torture to the body of another.* 12. Nor let any one think that this sort of amplification, though of a like character, is the same with the mode of proceeding in regard to arguments,† where the greater is inferred from the less; for in the one case *to prove* is the object, in the other *to magnify;* as, in regard to Oppianicus, the purpose of the comparison is not to show that he committed a crime, but that he committed a greater crime than another person. 13. In the two cases, however, though different, there is a certain affinity; and I shall therefore have recourse to the same example of which I made use in the other place,‡ though not for the same purpose; for what I have here to show is, that, for the sake of amplification, not only *a whole is compared with a whole,* but *parts with parts;* as in this passage:§ *Did that illustrious man, and chief pontiff, Publius Scipio, kill, in his private character, Gracchus, when he was making only moderate changes in the commonwealth, and shall we consuls bear with Catiline, who is seeking to devastate the whole earth with fire and sword?* 14. Here Catiline is compared to Gracchus; the commonwealth to the whole world; the moderate change to slaughter, fire, and devastation; a man in his private character with the consuls; and if a speaker should wish to dilate on these points severally, each would furnish ample matter for the purpose.

15. As to the amplifications which I said were made by *reasoning,* let us consider whether I designated them by a sufficiently appropriate term; though I am not indeed very anxious as to that point, provided that the thing itself be clear to those who wish to understand it. I have, however, adopted

* C. 11. † V. 10, 86.

‡ *Where* Quintilian had introduced this example about Scipio Nasica, no commentator seems to have tried to discover. It is not in the passage of the fifth book, to which I have just referred. But as Quintilian made no division of chapters, and did not bear very exactly in mind the different parts into which he distributed his subjects, he might have intended to refer to v. 13, 24. *Spalding.*

§ Cicero in Cat. i. 1.

that term, because this sort of amplification is introduced in one place and produces its effect in another; so that one thing is magnified in order that another may be corroborated; and thence we arrive by reasoning at that which is the object of our amplification. 16. For instance, Cicero,* designing to reproach Antony with his wine-bibbing and vomiting, says, *You, with such a throat, with such sides, with such strength in your whole body, fit for a gladiator*, etc. What has the mention of the *throat and sides* to do with the intoxication? It is by no means without effect; for, looking to their capacity, we may estimate how much wine he swallowed at the marriage of Hippia, which he could not bear and carry off even with *that strength of body fit for a gladiator*. If, therefore, one thing is concluded from another, the term *reasoning* is neither improper nor extraordinary; and it is a term which I have introduced for the same reason among the *states*.* 17. So likewise amplification arises from *ensuing circumstances*, as, in the case of Antony, such was the force of the wine bursting from him, that it produced no trifling effect, or inclination to vomit, but an absolute necessity of doing so, where it least of all became him; and the food which he cast up was not fresh, as sometimes happens, but such as remained in his stomach from the feast of the preceding day. 18. Circumstances that have preceded an act, too, lead to a similar conclusion; for when Æolus, at the request of Juno,

> —— *cavum conversâ cuspide montem*
> *Impulit in latus; ac venti, velut agmine facto*
> *Qua data porta, ruunt,*‡
>
> —— turn'd his spear, and struck
> The hollow mountain's side, and forth the winds
> Rush, as in banded throng, where'er a way
> Was giv'n,

it is signified how great a tempest would follow. 19. Is it not amplification by reasoning, also, when we purposely extenuate the most atrocious crimes, (which we ourselves have previously represented as meriting the utmost detestation,) in order that the charges which are to follow may appear more enormous? This is done by Cicero,§ when he said, *These are but trifling charges against such a criminal. The captain of a vessel, from*

* Cicero Philipp. ii. 25.
‡ Æn. i. 8.
† III. 6, 1
§ In Verr. v. 44.

a most honourable city, purchased exemption from the terror of scourging with a sum of money; to allow him to do so was humanity in Verres. Another, that he might not be beheaded sacrificed also a sum of money; this was but an ordinary occurrence. 20. Has not Cicero used amplification from reasoning, in order that the audience might estimate how enormous what was to be inferred must be, when such transactions, compared with it, were *humane* and *ordinary?* In this manner one thing is frequently enhanced by a reference to another; as when the merit of Scipio is magnified by dwelling on the military excellences of Hannibal; and when we extol the bravery of the Gauls and Germans, in order that the glory of Julius Cæsar may appear the greater.

21. It is also a kind of amplification, when something is said of one thing *with reference to another*, with a view to which, however, it does not *appear* to be said. The chiefs of Troy thought it nothing discreditable that the Greeks and Trojans should endure so many calamities for so long a period for the sake of the beauty of Helen;* how great, then, must that beauty be supposed to have been! It is not Paris, who carried her off, that says this; nor any young man; nor one of the multitude; but old men, the wisest of the people, the counsellors of Priam. 22. And even the king himself, exhausted by a ten years' siege, deprived of so many children, with utter destruction hanging over him, he, to whom it might have been thought that that face, which had been the cause of so many tears, would have been odious and detestable, not only listens patiently to this remark, but calling her "daughter," places her at his side, and even exculpates her, and denies that she is the cause of his misfortunes. 23. Nor does Plato, in his Symposium,† when he represents Alcibiades as confessing, on his part, how he wished to have been treated by Socrates, appear to have given this account in order to blame Alcibiades, but in order to show the incorruptible morality of Socrates, which could not be shaken even by the obvious advances of the most attractive of mankind. 24. It is thus, too, that the extraordinary stature of the ancient heroes is left to be inferred by us from the weapons which they used; as instances, may be mentioned the *shield of Ajax*,‡ and *the spear of Achilles* §

* Hom. Il. iii. 156.
† Sect. 41.
‡ Il. vii. 219.
§ Il. xvi. 140.

Of this kind of artifice Virgil has admirably availed himself in his description of the Cyclops ;* for how huge must we conceive the body to be, the hand of which *truncа pinus regit*, "a pine-tree lopped of its branches supports?" How great also must have been the size of Demoleos, when *two men, with their united efforts, could scarcely support his coat of mail on their shoulders*, and yet he, clad in it,

—— *cursu palantes Troas agebat,*†
The scatter'd Trojans at full speed pursued!

25. Cicero himself, again, could hardly have imagined anything so descriptive of the luxury of Mark Antony as he intimates when he says,‡ *You might have seen the couches of slaves in their bed-rooms, decked with Pompey's purple quilts.* Slaves in *their bed-rooms* use *purple quilts*, and those the quilts *of Pompey;* nothing stronger can be said; and yet we must consider that there was infinitely greater extravagance in the master than in his slaves. 26. This species of amplification is of a similar nature with what is called ἔμφασις: but the one suggests an inference from a word, the other from a thing; and the latter is as much more effective than the former as things are more impressive than words.

There remains to be noticed under amplification the *accumulation* of a number of words or thoughts having the same signification; for though they do not ascend by steps, yet they are heaped up, as it were, by coacervation. 27 *What did your sword do, Tubero, that was drawn in the field of Pharsalia? At whose body was the point of it aimed? What was the object of your appearance in arms? To what were your thoughts, your eyes, your hands, directed? What ardour inspired your breast? What did you wish or desire?* § This is similar to what the Greeks call συναθροισμός: but in the Greek there is an amassing of many things; in the other figure there is an aggregation of particulars relating to one. This kind of amplification is often produced by a series of words rising higher and higher in meaning; as,* *There was present the doorkeeper of the prison, the prætor's executioner, the death and terror of the allies and citizens of Rome, the lictor Sextius.*

28. The art of *extenuation* is nearly similar; for there

* Æn. iii. 659. † Æn. v. 260. ‡ Philipp. ii. 27.
§ Cicero pro Ligario, c. 3. ‖ Cicero in Verr. v. 51.

are as many steps when we go up as when we go down. I shall content myself, therefore, with one example of it, taken from that passage where Cicero speaks thus of a speech of Rullus :* *Some few, however, who stood nearest to him, suspected that he wished to say something about the Agrarian law.* If this is considered to signify that the speech was not understood, it is *extenuation ;* if that it was *obscure*, it is *exaggeration.*

I know that *hyperbole* may also be thought by some a species of amplification ; for it either magnifies or diminishes ; but as the meaning of hyperbole is larger than that of amplification, it must be reserved for consideration under the head of tropes.† Of these I should proceed to treat at once, if they were not a form of speech distinct from other forms, consisting in words used, not in their proper, but in a metaphorical sense. Let me grant a little indulgence, therefore, to a desire which is almost universal, and not omit to speak of that ornament of style‡ which most regard as the principal and almost only one.

CHAPTER V.

Of striking thoughts, § 1, 2. Of the modes of introducing them, 2—14 Various kinds and origins of them, 15—19. How they may be faulty, 20—24. Those are in error who study them too much, as well as those who utterly neglect them, 25—34. Transition to tropes, 35.

1. THE ancient Latins called whatever they conceived in the mind, *sententia*, "a thought." This acceptation of the word is not only very common among orators, but retains some hold of a place in the intercourse of ordinary life. For when we are going to take an oath, we speak *ex animi nostri sententiâ*, "from the thought of our mind," and when we congratulate our friends, we express ourselves *ex sententiâ*, "from our

* Cicero de Lege Agr. ii. 5. † C. 6.

‡ Quintilian means *sententiæ*, of which he is going to speak in the next chapter. The obscurity in the text is probably caused by some mutilation of it, as Spalding observes.

thought."* Not unfrequently, however, they spoke of uttering their *sensa;* as to the word *sensus*, it seems to have applied by them only to the bodily senses. 2. But a custom has now become prevalent of calling the conceptions of the mind *sensus*, and those striking thoughts, which are introduced chiefly at the close of periods, *sententiæ*. Such thoughts were far from being common among the ancients, but in our day are used to excess. I think it necessary for me, therefore, to say a few words concerning the different kinds of them, and the methods in which they may be used.

3. Though they *all* come under the same appellation, those that are *properly* called *sententiæ* are the most ancient of their kind; the Greeks call them γνώμαι, and they received their name, both in Greek and Latin, from their similarity to counsels or decrees. The word is one of general meaning and reference; and a *sententia* may be deserving of praise in itself, without being applied to any particular subject. Sometimes it relates merely to a thing; as, *nothing contributes so much to popularity as goodness;* sometimes to a person, as that saying of Domitius Afer, *A prince who would look into all things, must of necessity overlook many things.*† 4. Some have called it a part of an *enthymeme*,‡ and some the beginning or end of an *epicheireme;* and it sometimes is so, but not always. It is remarked with more truth, that it is sometimes *simple*, as in the two examples which I have just given; sometimes accompanied with a reason; as, *For in all disputes, he that is the stronger, even though he receive the injury, appears, because his power is greater, to have inflicted it;*§ and sometimes *double*, as

> *Obsequium amicos, veritas odium parit,*‖
> Obsequiousness makes friends, plain truth breeds hate.

5. Some have even made ten kinds, but in a way in which many more might be made, distinguishing them into *sententiæ* of *interrogation*, of *comparison*, of *negation*, of *similitude*, of *admiration*, etc.; for a thought might thus have a name from

* See Cicero de Orat. ii. 64.

† *Necesse habet multa ignoscere.*] *Ignoscere* for *ignorare, non credere.* Burmann.

‡ See v. 10, 14. Aristot. Rhet. ii. 21, 2.

§ Sallust, Jug. c. 10. ‖ Terence, Andr. i. 1, 41.

every form of language. One of the most remarkable kinds is that which consists in an opposition of particulars :

*Mors misera non est ; aditus ad mortem est miser,**
Death is not grievous, but th' approach to death.

6. Sometimes thoughts are enunciated in a direct manner :

Tam deest avaro quod habet, quàm quod non habet,†
The miser wants as much that which he has,
As that which he has not ,

but they receive additional force from a change in the form of expression ; as,

Usque adeòne mori miserum est ? ‡
Is it then such a grievous thing to die ?

For this is more spirited than the direct expression, *D ath is not grievous.* The same effect may be produced by the *adaptation* of a general sentiment to a particular case ; thus Medea in Ovid, instead of saying in a direct manner, *Nocere facile est, prodesse difficile,* " It is easy to do harm, difficult to do good," expresses herself with more animation thus :

Servare potui : perdere ac possim rogas ? §
I have had power to save, and do you ask
Whether I can destroy ?

7. Thus Cicero || makes a personal application of a common thought : *Your height of fortune, Cæsar, carries with it nothing greater than the power, and nothing better than the will, to save as many persons as possible ;* attributing that to Cæsar which belonged properly to the circumstances in which Cæsar was placed. But in the use of such sentiments, we must take care, as we must indeed with regard to all thoughts, that they be not *too frequently introduced,* or be *evidently inapplicable,* (as is the case with many that are used by some speakers, who call them καθολικά, and utter all that make for their cause as incontrovertible,) and that they be not employed *everywhere,* or put into the mouth of *all characters indiscriminately.* 8. For they are more suitable to persons of authority, whose character may give weight to what they say. Who

* Whence this verse comes, is uncertain. Gallæus observes that it is cited by Lactantius, iii. 17.
† From Publius Syrus.
‡ Virg. Æn. xii. 646.
§ From Ovid's lost play of Medea.
|| Pro Lig. c. 12.

indeed would listen patiently to a boy, or a young man, or a person of no estimation, if he spoke decisively, or uttered precepts with the air of a master?

9. Whatever we conceive in the mind, also, is an *enthymeme*, but that which is properly called so, consists of two thoughts in opposition, because it seems to be as pre-eminent among other thoughts as Homer among poets and Rome among cities. Of this enough has been said in the part where I spoke of arguments.* 10. It is not, however, always used for the purpose of argument, but sometimes merely for embellishment; as, *Shall the language of those, Cæsar, whose impunity is an honour to your clemency, incite you to cruelty?*† Cicero adds this question, not because it contains a new reason, but because it had been already shown, by other arguments, how unjust such conduct would be; 11. and it is subjoined at the close of the period by way of *epiphonema*, not as a proof, but as a triumphant blow to the adverse party; an epiphonema being, as it were, the concluding attestation to something already related or proved; as in Virgil,

> *Tantæ molis erat Romanam condere gentem,*‡
> Such was the task to found the Roman state!

Or as in the words of Cicero,§ *The young man, being of honourable disposition, chose rather to incur danger, than to endure what was disgraceful.*

12. There is also to be noticed what is called by the moderns *νόημα*: a term which may be taken as implying any thought whatever; but our rhetoricians have distinguished by it that which they do not express, but wish to be understood; as in what was said to the young man, whom his sister had several times redeemed‖ when he had enlisted among the gladiators, and who brought an action against her under the *lex talionis*, because she had cut off his thumb while he was asleep, *You deserved*, exclaimed she, *to have your hand whole;* intimating, that he deserved *to be all his life a gladiator*. 13. What is called a *clausula*, too, requires to be mentioned; and if it be

* V. 10, 2. See Cicero, Topic. c. 13.
† Cicero Pro Lig. c. 4.
‡ Æn. i. 33.
§ Pro Mil. c. 4.
‖ Gesner refers us to Lipsius, Saturn. ii. 3, 5, where it is shown, by many instances, that even free citizens used to hire themselves to the *lanistæ* to fight in the arena.

in the sense of what we term a conclusion, it is proper, and, in some places, necessary; as, *You must, therefore, make confession concerning your own conduct, before you blame anything in that of Ligarius.** But our modern speakers use it in another sense, and intimate that every thought at the conclusion of a period should fall pointedly on the ear. 14. They think it unbecoming, and almost a crime, to take breath at any passage which is not intended to call forth acclamations. Hence those small witticisms, uttered in bad taste, and forced into the service of the subject; for there cannot be as many happy thoughts as there must be conclusions to periods.

15. The following kinds of *sententiæ* among the moderns may also be noticed. That which consists in something *unexpected;* as the retort of Vibius Crispus† to a man who, when he was walking about the forum in a coat of mail, pretended that he did so from fear: *Who*, exclaimed Crispus, *has given you permission to be so much in fear?* Or as the remarkable address of Africanus‡ to Nero on the death of his mother, *Your Gallic provinces, Cæsar, entreat you to bear your good fortune with firmness.* 16. Others consist in some *indirect allusion;* as, when Domitius Afer was pleading for Cloantilla, whom Claudius had pardoned when she was accused of having buried her husband, who had been killed among the rebels, he remarked in his peroration, addressing himself to her sons, *Nevertheless, young men, do not fail to bury your mother.*§ 17. Some are *aliunde petita*, that is, *transferred* from one thing to another; as Crispus, in pleading for Spatale, whose lover, after making her his heiress, had died at the age of twenty-two, exclaimed, *O youth of extraordinary forethought, who thus gratified himself!*‖ 18. A mere repetition makes some

* Pro Lig. c. 1. † V. 13, 48.

‡ I have no doubt that Julius Africanus the orator is meant; see x. 1, 118; xii. 10, 10; also Tacitus Dial. de Orat. c. 15. *Spalding.*

§ The sons themselves, therefore, appear to have accused their mother, and Domitius' admonition about filial piety appears to have been to this effect: Do not fear the displeasure of Cæsar for burying your mother, for he loves affection, and has pardoned your mother for burying her husband contrary to the law; filial piety will please him more than your unnatural accusation. But as we have no knowledge of the affair from any other quarter, I offer this explanation only as conjecture. *Gesner.*

‖ The meaning of this exclamation is not apparent. Gallæus supposes that he had gratified himself by squandering all his property in his

of these *sententiæ ;* as that of Seneca in the letter which Nero sent to the senate after killing his mother, wishing to make it appear that he had been in great danger, *That I am safe, neither, as yet, do I believe, nor do I rejoice.* But this is better when it is strengthened by an opposition of clauses ; as, *I know where to flee, but whom to follow I do not know.** *Why need I add that the miserable man, though he could not speak, could not hold his peace ?*† 19. It is most striking, however, when it is vivified by some comparison ; as in the remark of Trachalus against Spatale, *Do you desire, therefore, O ye laws, most faithful guardians of chastity, that tenth parts of estates should be awarded to wives, and fourth parts to mistresses ?* ‡

Of such kinds of *sententiæ*, however, some may deserve to be called good, and some bad. 20. Those are always bad that are mere plays on words, as, *Conscript Fathers, for I must commence thus, to remind you of what is due to fathers,——.* A still worse kind, as it is more false and far-fetched, is such as that which was attributed to the gladiator, (whom I mentioned just above,) as a retort to his sister, *I have fought to my finger.*§ 21. But perhaps the most execrable of all is when

short life; and most other commentators have adopted this explanation. But Spatale, from sect. 19, seems to have been claiming property that he had left behind him. The gratification seems rather to refer to the appointing of Spatale to be his heiress.

* Cicero ad Att. viii. 7 ; comp. vi. 3, 109.

† Pithœus, on this passage, cites from a letter of St. Jerome to Oceanus. *Postea verò, Pisoniano vitio, quum loqui non posset, tacere non poterat.* Quintilian's quotation, therefore, seems to come from the speech of Cicero against Piso, out of a part of it which is defective. Certainly the words refer to some Piso. *Gesner.* No nearer approach has been made to an explanation of the passage.

‡ By the *lex Julia et Papia Poppæa*, it was appointed that to a wife, who had no children, no more than a tenth part of her husband's estate should be bequeathed, and for every child that she might have surviving from a former marriage another tenth. See Jurisprud. Ante-Just. Schult. p. 609 ; Gothofr. ad Cod. Theod. tom. ii. p. 648, both of whom refer to this passage of Quintilian. In sect. 17 the lover appears to have left Spatale his whole property ; here only a fourth part. *Spalding.*

§ *Ad digitum pugnavi.*] This reading, as Spalding remarks, is supported by an epigram attributed to Martial, Spectac. xxix. 5, *Lex erat, ad digitum positâ concurrere palmâ ;* but the sense is uncertain in both places, unless Ramiresius and other commentators be right in supposing the meaning in the epigram to be that, of the two gladiators mentioned in it, Priscus and Verus, neither should be considered con-

ambiguity in the words is joined with something that conveys a false notion as to the matter. I remember, when I was a young man, hearing a famous pleader, who had given a mother some splinters of bone, picked out of a wound in her son's head,* merely for the sake of a *sententia*, exclaim, *Unhappy woman, you have not yet conveyed your son to his funeral pile, and yet you have collected his bones.* 22. Thus many delight even in the pettiest attempts at wit, which, if examined, are merely ridiculous, but which, when first produced, please the hearer with a show of ingenuity. For example, there is an imaginary case in the schools of a man who, having been shipwrecked, after being previously ruined by the barrenness of his grounds, hanged himself; and it is said of him, *Let him whom neither earth nor sea sustains, hang in the air.* 23. A similar witticism was made on the young man that I mentioned above,† to whom, when he was tearing his flesh, his father gave poison: *He who eats that, ought to drink this.* To a luxurious man, also, who is said to have pretended a resolution to die by hunger, the admonition was offered, *Make a rope for yourself; you have reason to be angry with your throat; or take poison; a toper ought to die drinking.* 24. Some are mere inanity, as that of the declaimer exhorting the generals of Alexander to bury him in the ashes of Babylon, and exclaiming, *I celebrate the obsequies of Alexander, and will any one behold them from the window of his house?* as if the absence of spectators from windows were more to be deplored than anything else relating to the ceremony. Some are extravagant; as what I heard a speaker say of the Germans, *I know not where their head is placed;*‡ and of a brave man, *He repelled wars with his shield.*

queror until the other acknowledged himself defeated, *sublato digito*, by holding up his finger. This explanation is favoured, observes Spalding, by a note of the Scholiast on Persius, v. 119, *Tractum à gladiatoribus, qui victi, ostensione digiti veniam à populo postulabant*, though the Scholiast utterly mistook the sense of his author in the verse. But in *ad digitum pugnavi* in Quintilian there is some play upon the word *digitus* which we do not understand. However the meaning may be something like, "I have fought to the last," "I have fought as long as I could."

* See vi. 1, 30. † C. 2, sect. 20.

‡ *Caput nescio ubi impositum.*] This is generally supposed to refer to the tallness of the Germans. Obrecht conjectures *Caput nescio ubi in nube positum*; Gesner, *Caput nubi positum.*

25. But there would be no end, if I were to attempt to enumerate all the species of tasteless witticisms.

Let us rather attend to a point which is of more importance. There are two different opinions respecting *sententiæ;* that of those who set the highest value on them ; and that of those who entirely reject them. With neither of these opinions do I exactly concur. 26. If brilliant thoughts are too crowded, they interfere one with another ; as in crops of corn, and fruits on trees, nothing can grow to its just size that wants space in which to expand itself. Nor does a figure in a picture, which has no shade surrounding it, stand out in relief; and accordingly painters, when they combine several objects in the same piece, keep them distinct by intervening spaces, that shadows may not fall on the objects. 27. This pursuit of fine thoughts, also, makes style too curt ; for every thought makes as it were a stand, as being complete in itself; and after it there must necessarily be the commencement of another sentence. Hence language is rendered too unconnected, and being composed. not of members, but of bits,* has no proper construction ; for these round and polished portions refuse to unite with each other. 28. The complexion, too, of the style, is variegated with spots, which, however brilliant, are of many and diverse hues ; and, although a band and decorations of purple, put on a dress in their proper place, give a radiance to it, yet certainly a garment bedecked with various patches would be becoming to nobody. 29. However, therefore, such ornaments may seem to glitter and stand out, as it were, in composition, yet we may well compare them, not to the light of flame, but to sparks appearing among smoke : for they would not be noticed if the whole composition were luminous, any more than the stars are seen in the light of the sun ; and the eloquence that tries to raise itself, as it were, with frequent little bounds, presents an unequal and broken surface to the view, neither gaining the admiration paid to lofty objects, nor exhibiting the attractions of level ground. 30. To this is to be added another evil, that the speaker who is always hunting for striking thoughts, must necessarily produce many that are trifling, vapid, and impertinent; for he can make no proper distinction where he is overwhelmed with

* *Non membris, sed frustis collata.*] The same expression is used in 5, 25. Compare also ix. 4, 19.

numbers. Hence you may witness, among such orators, even the division of their subject set off with the air of a fine thought, as well as their arguments, if they be delivered at the close and fall of a period. 31. *You, yourself an adulterer, have killed your wife; I could not have tolerated your conduct, even if you had but divorced her*, is with them a mode of division; and, *Would you be convinced that the philtre was poison? The man would be now alive, if he had not drunk it*, is a form of argument. Most of them, indeed, may be said not to utter fine thoughts, but to utter everything as if it were a fine thought.

32. Some, again, make the contrary practice their study, shunning and shrinking from all such charms of composition, and approving nothing but what is plain, and humble, and without effort. Thus, while they are afraid that they may sometimes fall, they are always creeping on the ground. But what crime do they suppose that there is in producing a fine thought? Does it not strike the judge? Does it not recommend the speaker? 33. It is a fashion of speaking, they reply, which the orators of antiquity did not follow. How far back in antiquity, let me ask them, do they refer us? If to a remote period, Demosthenes produced many fine thoughts, such as no one had produced before him. If to a more recent period, how, let me ask, can they approve even Cicero, when they think that there ought to be no deviation from the manner of Cato and the Gracchi? Before the Cato and the Gracchi, too, there was a still plainer way of speaking. 34. For my own part, I consider such ornaments of style to be the very eyes, as it were, of eloquence; but I should not wish eyes to be spread over the whole body, lest other members should be obstructed in their functions; and, if I were compelled to make a choice, I should prefer the rudeness of the ancients to the affectation of the moderns. But a middle course is open between them; as, in our mode of living and dress, a certain elegance may be observed which is free from blame. Let us add, therefore, as far as we can, to the merits of our style; but let it be our first care to avoid faults, lest, while we wish to be better than the ancients, we make ourselves merely unlike them.

35. I shall now proceed to the consideration of *tropes*, which I mentioned as the next head of my subject. The

illustrious orators of our times call them *motus*, "movements"* or "changes." Rules concerning them the grammarians generally deliver; but when I was speaking of their duties,† I delayed entering on this head, because, as it refers to the embellishment of style, it seemed to me that it would demand more attention, and that it should be reserved for a more important place in my work.

CHAPTER VI.

Of tropes; much disputation about them, § 1—3. Metaphor, 4, 5. Three motives for the use of metaphor, 6—8. Four modes in which it is applied, 9—13. Objections to its frequent use; faults committed in regard to it, 14—18. Of synecdoche, 19—22. Metonymy, 23—28. Antonomasia, 29, 30. Onomatopœia, 31—33. Catachresis, 34—36. Metalepsis, 37—39. Ἐπίθετον, 40—43. Allegory, 44—53. Irony, 54—56. Applications of allegory, 57, 58. Derision; circumlocution, 59—61. Hyperbaton, 62—67. Hyperbole, its excellences and faults, 68—76.

1. *A trope is the conversion of a word or phrase, from its proper signification to another, in order to increase its force.*‡ Concerning tropes grammarians have carried on interminable disputes among themselves and with the philosophers; disputes as to what genera there are of them, what species, what number, and which are subordinate to others. 2. For myself, omitting all such subtilties as useless to form an orator, I shall speak only of those tropes which are most important and most in use; and in regard to these, too, I shall content myself with observing, that some are adopted for the purpose of adding to *significance*, others for the sake of *ornament;* that some take place in words used *properly*, and others in words used *metaphorically;*§ and that tropes occur, not only in *single words*, but also in *thoughts*, and in the

* Because they move a word, as it were, from its proper signification to another. *Capperonier.*

† I. 8, 16. ‡ IX. 1, 4.

§ Some words assumed metaphorical significations at a very early period; and on those significations other metaphorical significations might be formed. *Spalding.*

*structure of composition.** 3. Those, therefore, appear to me to have been in error, who thought that there were no tropes but when one word is put for another; nor am I insensible, that in the tropes which are used with a view to significance, there is also embellishment; but the reverse is not the case, as there are some that are intended for embellishment only.

4. Let us commence, however, with that species of trope, which is both the most common and by far the most beautiful, I mean that which consists in what we call *translatio*, and the Greeks μεταφορά, "metaphor."

Metaphor is not only so natural to us, that the illiterate and others often use it unconsciously, but is so pleasing and ornamental, that, in any composition, however brilliant, it will always make itself apparent by its own lustre. 5. If it be but rightly managed, it can never be either vulgar, or mean, or disagreeable. It increases the copiousness of a language, by allowing it to borrow what it does not naturally possess; and, what is its greatest achievement, it prevents an appellation from being wanting for anything whatever. A noun or a verb is accordingly transferred, as it were, from that place in the language to which it properly belongs, to one in which there is either no proper word, or in which the metaphorical word is preferable to the proper. 6. This change we make, either because it is *necessary*, or because it *adds to significance*, or, as I said,† because it is more *ornamental*. Where the transference produces no one of these effects, it will be vicious.

From *necessity* the rustics speak of the *gemma*,‡ "bud," of the vines, (for how else could they express themselves?) and say that *the corn thirsts*, and that *the crops suffer*. From necessity we say, that a *man is hard*, or *rough*, because there is no proper term for us to give to these dispositions of the mind. 7. But we say that a man is *inflamed with anger*, *burning with desire*, and *has fallen into error*, with a view to significance or force of expression, for none of these phrases would be more significant in its own words than in those adopted

* Some tropes take place in single words, as *metaphor, synecdoche, metonymy*, &c.; others in thoughts or sentences, as *allegory, periphrasis*, &c. *Capperonier.*

† Sect. 2. ‡ See Cicero de Orat. iii. 38; Orat. c. 24.

metaphorically.* The expressions, *luminousness of language, illustrious birth, storms of public assemblies,*† *thunderbolts of eloquence*, are used merely for ornament; and it is thus that Cicero‡ calls Clodius in one place *a source*, and in another *a harvest and foundation, of glory* to Milo. 8. Some things also, which are unfit to be expressed plainly, are intimated metaphorically, as,

Hoc faciunt, nimio ne luxu obtusior usus
Sit genitali arvo, et sulcos oblimet inertes;§

"This they do, lest by too much indulgence the action of the genital field should grow too unenergetic, and obstruct the inert furrows." On the whole, the metaphor is a short comparison; differing from the comparison in this respect, that, in the one, an object is compared with the thing which we wish to illustrate; in the other, the object is put instead of the thing itself. 9. It is a comparison, when I say that a man has done something *like a lion;* it is a metaphor, when I say of a man that he *is a lion.*

Of metaphors in general there seem to be four kinds; the first, when one sort of living thing is put for another; as, in speaking of a driver of horses,

—— *gubernator magnâ contorsit equum vi,*‖
The steersman turn'd his horse with mighty force;

or as Livy¶ says that Scipio used *to be barked at* by Cato 10. The second, when one inanimate thing is put for another; as,

*Classique immittit habenas,***
He gives his fleet the reins.

The third, when inanimate things are put for things having life, as,

Ferro, non fato, mœrus Argivûm occidit,††
By steel, not fate, the wall of Greece fell down;

* That is, each of those phrases would be less significant, &c.
† Comp. sect. 48. ‡ Pro Mil. c. 3. § Virg. Georg. iii. 135.
‖ Whence this verse comes is unknown. Burmann observes that Ovid uses *auriga* for *gubernator*, Trist. i. 3, 118. *Spalding.*
¶ XXXVIII. 54. ** Æn. vi. 1.
†† A verse, says Spalding, from some old tragedy. The wall or bulwark was probably Achilles.

and the fourth, when things having life are put for things inanimate,

—— *sedet inscius alto*
Accipiens sonitum saxi de vertice *pastor*,*
The shepherd sits amaz'd,
Listening the sound from the high mountain's *head*.

11. From the last kind of metaphor, when inanimate things are exalted by a bold and daring figure, and when we give energy and feeling as it were to objects that are without them, extraordinary sublimity is produced; as in Virgil,

Pontem indignatus Araxes,†
Araxes that disdain'd a bridge;

12. in Cicero,‡ *What was your drawn sword, Tubero, doing in the field of Pharsalia? At whose body did its point direct itself? What was the meaning of your arms?* Sometimes this beauty is doubled, as in Virgil,

Ferrumque armare veneno,§
To arm the steel with poison,

for *to arm with poison*, and *to arm steel*, are both metaphors. 13. These four might be distinguished into more species; as a word may be taken from one sort of rational animal and applied metaphorically to another, and the same may be done with regard to irrational animals; and, in like manner, we may apply a metaphor from the rational to the irrational, or from the irrational to the rational; and from the whole of a thing to a part, or from the part to the whole. But I am not now giving directions to boys, or supposing that my readers, when they understand the genus, cannot master the species.

14. But as a moderate and judicious use of metaphors adorns language, so a too frequent introduction of them obscures it, and renders the perusal of it fatiguing; while a continuous series of them runs into allegory and enigma. Some metaphors, too, are mean, as that which I recently mentioned,‖ *There is a wart of stone*, etc. 15. Some are repulsive; for though Cicero uses the expression *sentina reipublicæ*, "sink of the commonwealth," with great happiness, to signify a herd of bad characters, yet I cannot for that

* Æn. ii. 307. But Virgil has *stupet* instead of *sedet*.
† Æn. viii. 728
‡ See c. 4, sect. 27.
§ Æn. ix. 773.
‖ C. 3, sect. 48.

reason approve of the saying of an old orator, *Persecuisti reipublicæ vomicas*, "You have lanced the ulcers of the commonwealth." Cicero* himself excellently shows that we must take care that a metaphor be not offensive; such as (for I will use his own examples) that *the republic was castrated by the death of Africanus*, or that *Glaucia was the excrement of the senate;* 16. that it be not too great, or, as more frequently happens, too little for the subject; and that it be not inapplicable; faults of which he who knows that they are faults will find numerous examples. But an excess, even of good metaphors, is vicious, especially if they be of the same kind. 17. Some are harsh, that is, based on a resemblance not sufficiently close, as "The snows of the head,"† and,

Jupiter hibernas candâ nive conspuit Alpes,‡
Jove o'er the Alps spits forth the wintry snows.

But the greatest source of error in regard to this subject is, that some speakers think whatever is allowed to poets, (who make it their sole object to please, and are obliged by the necessity of the metre to adopt many metaphorical expressions,) is permissible also to those who express their thoughts in prose. 18. But I, in pleading, would never say *the shepherd of the people* on the authority of Homer, nor speak of *birds rowing with their wings*, though Virgil,§ in writing of bees and of Dædalus, has used that phrase with great happiness; for a metaphor ought either to occupy a place that is vacant, or, if it takes possession of the place of something else, to appear to more advantage in it than that which it excludes.

19. What I say of metaphor may be applied, perhaps with more force, to *synecdoche;* for metaphor has been invented for the purpose of exciting the mind, giving a character to things, and setting them before the eye; synecdoche is adapted to give variety to language, by letting us understand the plural from the singular, the whole from a part, a genus from the species, something following from something preceding; and *vice versâ;* but it is more freely allowed to poets than to orators. 20. For

* De Orat. iii. 41. † *Capitis nives.*] Hor. Od. iv. 13, 12.
‡ Hor. Sat. ii. 5, 41. A verse from Furius Bibaculus, as the Scholiast tells us.
§ Georg. iv. 59; Æn. vi. 19

prose, though it may admit *mucro*, "a point," for a sword, and *tectum*, "a roof," for a house, yet it will not let us say *puppis*, "a stern," for a ship, or *quadrupes*, "a quadruped," for a horse. But it is liberty with regard to number that is most admissible in prose; thus Livy often says, *Romanus prælio victor*, "The Roman was victorious in the battle," when he means *the Romans;* and Cicero, on the other hand, writes to Brutus,* *Populo imposuimus et oratores visi sumus*, "We have imposed on the people, and made ourselves be thought orators," when he speaks only of himself. 21. This mode of expression not only adorns oratorical speeches, but finds its place even in common conversation. Some say that synecdoche is also used, when we understand something that is not actually expressed in the words employed, as one word is then discovered from another; but this is sometimes numbered among defects in style under the name of *ellipsis;* as,

Arcades ad portas ruere;†
Th' Arcadians to the gates *began* to rush;

22. I consider it rather a figure; and among figures it shall be noticed.‡ But from a thing actually expressed another may be understood; as,

Aspice aratra jugo referunt suspensa juvenci,§
Behold the oxen homeward bring their ploughs
Suspended from the yoke,

whence it appears that night is approaching. I know not whether this mode of expression be allowable to an orator, unless in argumentation, when one thing is shown to indicate another. But this has nothing to do with elocution.

23. From synecdoche *metonymy* is not very different. It is the *substitution of one word for another;*‖ and the Greek rhetoricians, as Cicero¶ observes, call it ὑπαλλαγή. It indicates an invention, by the inventor, or a thing possessed, by the possessor. Thus Virgil says,

*Cererem corruptam undis,***
Ceres by water damag'd,

* In a letter now lost. See c. 3, sect. 34.
† Æn. xi. 142.
‡ IX. 3, 58.
§ Virg. Ecl. ii. 66.
‖ The words *Cujus vis est pro eo quod dicitur causam propter quam dicitur, ponere,* are not translated, being doubtless, as Spalding says, an interpolation.
¶ Orat. c. 27
** Æn. i. 117.

and Horace,

—— *receptus*
*Terrâ Neptunus classes Aquilonibus arcet,**
Neptune, receiv'd
Within the land, from north winds shields the fleets.

The reverse† would be offensive.

24. It is of great importance, however, to consider how far the use of the trope is permitted to the orator; for though we daily hear *Vulcan* used for *fire*, though it is elegant to say *vario Marte pugnatum* for *the fortune of the battle was various*, and though it is more becoming to say *Venus* than *coitus*, yet to use *Bacchus* and *Ceres* for *wine* and *bread* would be more venturesome than the severity of the forum would allow. Thus, too, custom permits us to signify that which is contained from that which contains it; as *well-mannered cities, a cup was drunk, a happy age;* but the opposite mode of expression scarcely any one would use but a poet; as,

Proximus ardet
Ucalegon,‡
Ucalegon burns next.

25. It may perhaps be more allowable, however, to signify from the possessor that which is possessed; as, *a man is eaten up*, when his estate is squandered. But of metonymy of this sort there are numberless forms. 26. We adopt it when we say that *sixty thousand were killed by Hannibal at Cannæ*;§ when we say *Virgil* for *Virgil's poetry;* when we say that *provisions*, which have been brought, *have come;* that *a sacrilege has been found out*, instead of the person who committed it; and that a soldier *has a knowledge of arms* instead of a knowledge of the military art. 27. That kind of metonymy, too, by which we signify the cause from the effect, is very common both among poets and orators. Thus the poets have,

Pallida mors æquo pulsat pede pauperum tabernas,‖
Pale death, with equal foot, knocks at the gate
Of poor man's cottage, &c.

* Hor. A. P. 63.
† That is, if we were to say *the sea* for *Neptune*. Capperonier.
‡ Æn. ii. 312.
§ For the words *et apud Tragicos ab Ægialeo*, which are corrupt, no attempt is made to give anything equivalent in the translation.
‖ Hor. Od. i. 4, 13.

and,

*Pallentesque habitant morbi, tristisque senectus,**
And pale diseases dwell, and sad old age;

and an orator will speak of *rash anger*, *cheerful youth*, and *slothful inactivity*.

28. The following kind of trope† has also some affinity with the synecdoche. When I say *vultus hominis*, "the looks of a man," I express in the plural that which is singular; yet I do not make it my object that one may be understood out of many, (for my meaning is evident,) but make an alteration only in the term. When I call, also, gilded ceilings *golden ceilings*, I deviate a little, as the gilding is but a part, from the truth. To notice all such expressions, however, would be too trifling an employment, even for those who are not forming an orator.

29. *Antonomasia*, which for a proper name substitutes something equivalent, is very common among the poets, and is sometimes effected by an *epithet*, which,‡ when the name to which it is applied is set aside, is a sufficient substitute for it, as *Tydides*, *Pelides*, for Diomede and Achilles; sometimes by specifying some remarkable characteristic of a person; as,

Divûm pater atque hominum rex,
The father of the gods and king of men;

sometimes by mentioning some act by which a person is distinguished; as,

—— *Thalamo quæ fixa reliquit*
Impius,§
The arms which in the chamber fix'd
He, impious, left.

30. Among prose writers, though there is not much use of this phraseology, yet there is some; for, though they would not say *Tydides* and *Pelides*, yet they would say *impius*, by itself, for an impious man; and they do not hesitate to say the *destroyer of Carthage and Numantia* for Scipio, and the *prince of Roman eloquence* for Cicero. He himself has certainly taken

* Æn. vi. 275.

† *Est etiam huic tropo.*] Spalding is doubtless right in referring *huic* to what follows, *hic* being similarly used in iv. 1, 48; v. 10, 83.

‡ The text has *quia*, but Spalding admonishes us to read *quod*.

§ Æn. iv. 495.

such liberty: *You do not commit many faults, said the old master to the hero;** where the name of neither is expressed, but both are understood.

31. *Onomatopœia*, that is, the *making of words*, which was counted by the Greeks among the greatest merits, is scarcely permitted to us. Many words, indeed, were thus *made* by those who formed the language at first, with a view to adapt the sound to the impressions produced by the things signified; hence *mugitus*, "lowing," *sibilus*, "hissing," *murmur*, "murmur," had their origin. 32. But now, as if everything that was possible in that way had been accomplished, we do not dare to produce a new word, though many that were formed by the ancients are daily falling out of use. We scarcely allow ourselves to venture on what are called *παραγόμενα*, words that are derived, in whatever way, from others in common use; such as *Sullaturio*, "to desire to act like Sulla," *proscripturio*, "to desire to proscribe," and *laureati postes*, for "posts decked with laurel," are regarded as of the same nature. 33. The word *evaluit* was successfully introduced; but *vio* for *eo* "to go," was an unfortunate experiment. In regard to the Greek words *obelisco coludumo*,‡ and others, we are forbidden to make harsh junctions, but we appear to look with satisfaction on *septentriones*.§

34. The more necessary, therefore, is *κατάχρησις*, which we properly call *abusio*, and which adapts, to whatever has no proper term, the term which is nearest; as,

> *Equum divinâ Palladis arte*
> *Ædificant*,‖
> A horse they build by Pallas' art divine;

and, among the tragic poets, *Now a lion will bring forth;* but a lion will be a father. 35. There are a thousand examples of the kind. Cruses are called *acetabula*, whatever they

* Cicero pro Muræn. c. 29. Manutius, in a note on the passage, intimates that Chiron and Achilles are meant.

† Cicero ad Attic. ix. 10.

‡ Both these words are corrupt, and no satisfactory emendations have been proposed.

§ Compounded of *septem*, "seven," and *triones*, "plough oxen," according to Varro, Aulus Gellius, and others.

‖ Æn. ii. 16. *Ædifico* properly means to *build a house*.

¶ *Acetabulum* was properly a cruse for vinegar.

contain; boxes. *pyxides*,* of whatever material they are made; and he who kills his mother or brother is called *parricida*. All these *catachreses* are to be considered distinct from the metaphor; for *catachresis* is used where a term is wanting; metaphor, where another term is in use. The poets are accustomed, even in speaking of things that have their own proper names, to use, catachrestically, proximate terms in preference; a practice which is rarely adopted in prose. 36. Some also will say that there is a *catachresis* when we use *virtus* for *rash valour*, or *liberalitas* for *luxury*; but such misapplications are distinct from the catachresis, for in them it is not one word, but one thing that is put for another; since no one thinks that *luxury* and *liberality* mean the same thing; but one calls the thing, whatever it is, *luxury*, and another *liberality*, though neither has any doubt about the distinctness of their signification.

37. Of tropes which modify signification, there remains to be noticed the μετάληψις, or *transsumptio, which makes a way, as it were, for passing from one thing to another;* a trope which is very rarely used, and is extremely liable to objection, but which is not uncommon among the Greeks, who call Chiron the *Centaur*, and term νήσοι ὀξεῖαι, "sharp-pointed islands," θοαί, "swift."† Who would bear with us, if we should call Verres *Sus*, "Hog," or Lælius *Doctus*, "Learned?" 38. For metalepsis is of such a nature, that it is an intermediate step, as it were, to that which is metaphorically expressed, signifying nothing in itself, but affording a passage to some thing. It is a trope that we affect rather that we may seem to be acquainted with it, than one of which we ever stand in need. The most common example of it is, *cano*, *canto*, *dico*, *canto* being intermediate between *cano* and *dico*.‡ 39. I

* *Pyxis* was properly a box made of *boxwood;* from πύξος, *buxus*.

† Odyss. xv. 298, νήσοισιν ἐπιπρόεηκε θοῇσιν. The islands are the Echinades. Both the Scholiast and Strabo observe that θοαί, "quick," is here used for ὀξεῖαι, "sharp," in reference to the sharp-pointed promontories or rocks. Apollonius Rhodius uses θοὸς several times in the sense of sharp.

‡ Of this passage, supposing it to be sound, Camerarius, Problemat. de Etymologiis Decur v sect. 8. makes the following to be the sense *Cano* is equivalent to *canto*, and *canto* equivalent to *dico;* therefore, *cano* is equivalent to *dico*. Burmann. We must take *canto*, as Gesner and Spalding observe, in the sense of "to repeat, to inculcate."

shall dwell no longer upon it, for I see but little use in it, except, as I said, where one thing is to lead to another.

40. Other tropes are used, not for the sake of adding to significancy, but for ornament,* such as the ἐπίθετον,† which we rightly call *appositum;* by some it is termed *sequens.* The poets use it with more frequency and freedom than writers of prose; for it is sufficient for them that it suits the word to which it is applied; and we accordingly do not find fault with their *albi dentes*, "white teeth," and *humida vina*, "liquid wine." But an epithet in a writer of prose, if nothing is added to the meaning by it, is a redundancy. Something is added to the meaning, if that which said is less without it, as, *O abominable wickedness! O disgraceful licentiousness!* 41. But ornamental epithets are most effective when they are metaphorical; as *unbridled desire*,‡ *mad piles of building*.§ The ἐπίθετον is usually made a trope by the addition of something else to it, as, in Virgil, *Turpis egestas*, "base poverty," and *Tristis senectus*, "sad old age."‖ But such is the nature of this ornament, that style, without epithets, appears bare and as it were graceless, yet is overburdened with them if they be too numerous. 42. For thus it becomes heavy and embarrassed, so that you would pronounce it, if used in pleadings, like an army with as many sutlers as soldiers, the number of which is doubled but not the strength. However not merely single epithets, but several together, are often used; as,

> *Conjugio Anchisa Veneris dignate superbo,*¶
> *Cura deûm, bis Pergameis erepte ruinis,*
>
> Anchises, with the stately honour grac'd
> Of Venus' nuptial couch, of gods the care,
> Twice from Troy's ruins rescued!

43. But, in this way,** two words applied to one would not

* The words *ad augendam orationem*, which ought to be struck out of the text, are not translated.

† This word is not to be taken in the sense of an adjective merely, but as signifying anything attached. See sect. 43.

‡ *Cupiditas effrœnata.*] Cicero in Catil i. 10.

§ *Insanæ substructiones.*] Cicero pro Mil. 20, 31.

‖ In these expressions there are two metonymies, for *egestas* is called *turpis* because it makes men *turpes* or drives them *ad turpia*; and old age is sad because it produces sadness. This is a metonymy of cause or effect. *Capperonier.* ¶ Æn iii 475

** *Hoc – modo.*] If I should say that I understand this passage, I should say what is not true For what is this *modus?* It surely was

have much grace even in verse. There are some, however, who think that the epithet is not a trope, because it produces no change.* Their reason is that an epithet, if it be separated from the word to which it belongs, must (if it be a trope) have some signification by itself, and form an *antonomasia*. Thus if we say, by itself, *He who overthrew Numantia and Carthage*, it is an antonomasia; if we add *Scipio*, an epithet; and an epithet, consequently, must always stand in conjunction with something else.

44. Ἀλληγορία, "allegory," a word which our writers interpret by *inversio*, presents one thing in words, and another in sense; or sometimes a sense quite contrary to the words. Of the first sort the following is an example,

> *O navis, referent in mare te nori*
> *Fluctus? O quid agis? Fortiter occupa*
> *Portum,*†

"O ship, shall new waves bear thee back into the sea? O what art thou doing? Make resolutely for the harbour," and all that ode of Horace, in which he puts the *ship* for the commonwealth, the *tempests of the waves* for civil wars, and the *harbour* for peace and concord. 45. Similar is the exclamation of Lucretius,

> *Avia Pieridum peragro loca,*‡
> I wander o'er
> Th' untrodden regions of the Muses;

and the lines of Virgil,

> *Sed nos immensum spatio confecimus æquor,*
> *Et jam tempus equûm spumantia solvere colla,*§

"But we have gone over a plain vast in extent, and it is now time to unyoke the reeking necks of the horses." 46. But in the Bucolics he says without any metaphor,

not unbecoming in Virgil to use two epithets together, as, *Monstrum horrendum, ingens*, or three, as *Monstrum horrendum, informe, ingens*. There is some corruption in Quintilian's text, therefore, or something that I cannot penetrate. *Gesner*. The text in several parts of this chapter is in an unsound state.

* *Nihil vertat.*] In allusion to the derivation of *tropus* from τρέπειν, "to turn."

† Hor. Od. i. 14, 1.

‡ Lucret iv. 1.

§ Virg Georg ii. 541.

Certè equidem audieram, quâ se subducere colles
Incipiunt, mollique jugum demittere clivo,
Usque ad aquam, et veteris jam fracta cacumina fagi,
*Omnia carminibus vestrum servâsse Menalcam ;**

"I had indeed heard that your Menalcas had preserved by his verses all those parts where the hills begin to recede, and to bend down their summit with a gentle slope, as far as the water, and the top of the old beech, now broken." 47. For in these verses all is expressed in unallegorical words, except the name, by which it is not the shepherd Menalcas, but Virgil, that is to be understood. Prose frequently admits the use of such allegory, but rarely pure; it is generally mixed with plain phraseology. It is pure in the following passage of Cicero:† *For I wonder, and am concerned, that any man should be so eager to destroy another by his words, as even to make a leak in the ship in which he himself is sailing.* 48. Of the mixed, which is most frequent, this is an example:‡ *I indeed always thought that other tempests and storms were to be borne by Milo only amid the waves of popular assemblies;* if he had not added *only amid the waves of popular assemblies*, it would have been pure allegory, but he has thus rendered it mixed. In this sort of language the beauty proceeds from the metaphorical words, and the intimation of the sense from the natural ones.

49. But by far the most ornamental kind of language is that in which the graces of the three figures *comparison*, *allegory*, and *metaphor*, are united.§ *What sea, what Euripus, do you suppose to be affected with so many motions, such great and such various agitations, changes, fluctuations, as the disturbances and tumults which the proceedings of the comitia present? The intermission of one day, or the interval of one night, often throws everything into confusion, and sometimes the lightest breath of rumour changes the opinion of the whole assembly.* 50. Care, as in this passage, is, above all things, to be taken, that, with whatever kind of metaphor we begin, we conclude with the same; but many speakers, after commencing with a tempest, end with a fire or the fall of a building; an incongruity which is most offensive.

* Virg. Ecl. ix. 7.

† It is uncertain, says Spalding, to what production of Cicero this elegant fragment belonged.

‡ Cicero pro Milone, c. 21.

§ Cicero pro Muræn. c. 17.

51. Allegory is frequently used by the commonest minds, and in daily conversation. Those expressions in pleading causes, *to set foot to foot*, *to aim at the throat*, and *to draw blood*, are allegorical, and, though now so trite, are not displeasing. Novelty and variety in style are indeed pleasing; and what is surprising is, on that account, the more agreeable. But, in our pursuit of novelty, we have lost all sight of moderation, and have disfigured the beauties of style by excessive affectation.

52. There is allegory in examples, if they are not given with an explanation accompanying them; as, *Dionysius is at Corinth*, is a saying which all the Greeks use, and to which many similar might be mentioned. An allegory that is very obscure is called an enigma, which is, in my opinion, a fault in style, if to speak with perspicuity is a virtue. The poets however use it:

> *Dic quibus in terris, et eris mihi magnus Apollo,*
> *Tres pateat cœli spatium non amplius ulnas.**

"Say in what lands, and thou shalt to me be a great Apollo, the breadth of the sky extends not more than three ells." 53. Sometimes also orators; as Cælius says, *Quadrantariam Clytæmnestram, et in triclinio Coam, et in cubiculo Nolam*, "A farthing Clytæmnestra, a Coan in the dining-room, and a Nolan in the chamber."† Some such enigmas are now solved, and were, when they were uttered, easier to be interpreted;

* Virgil. Ecl. iii. 104.

† These words were directed against Clodia the wife of Metellus, as appears from the speech of Cicero in defence of Cælius. She was called Clytæmnestra, as being supposed to have killed her husband. *Spalding.* The epithet *quadrantaria* is one of contempt, insinuating that her favours were to be had at the lowest possible rate. She is called a "Coan," in allusion, doubtless, to *coitus;* and a "Nolan," probably, in reference to the women of Nola, who were said *ore morigerari*, λεσβιάζειν; at least, says Spalding, such is the opinion of Florens Christianus ad Aristoph. Vesp. 1337. G. J. Vossius, Orat. iv. 11, 15, p 206, thinks that *nola* is from *nolo*, quasi amatores luderet, in triclinio dicens se *velle*, sed in cubiculo, cum ad rem ventum esset, *nolle;* but this interpretation is incompatible with *quadrantaria*. Whether we should read *Nolanam* for *Nolam* may be a question; all the manuscripts appear to have *Nolam*. The French translator in Didot's "Collection des Auteurs Latins" renders the passage, "Une Clytemnestre des rues, qui est à table une femme de Cos, et au lit une femme de Nole."

but they are enigmas nevertheless, and cannot be understood unless they are interpreted.

54. In the other kind of allegory, in which what is expressed is quite contrary to what is meant, there is irony, which our rhetoricians call *illusio*, and which is understood, either from the mode of delivery, the character of the speaker, or the nature of the subject; for if any of these be at variance with the words, it is apparent that the intention is different from the expression. 55. It is the case, indeed, with regard to most tropes, that it is requisite to consider what is said and of whom, because it is doubtless allowable, as is observed elsewhere,* to censure with pretended praise, and to praise under the appearance of censure. An example of the first is, *Caius Verres, the city prætor, that upright and careful man, had no entry in his register of this second choosing of judges.*† Of the second, *We pretended to be orators, and imposed upon the people.*‡ 56. Sometimes it is with derision that the contrary to what we wish to be understood is uttered; as Cicero, in speaking against Clodius,§ says, *your integrity, believe me, has cleared you; your modesty has rescued you; your past life has saved you.*

57. There is, besides, another use of allegory, in enabling us to speak of melancholy things in words of a more cheering nature, or to signify our meaning, for some good purpose, in language at variance with it; . . . . . ‖ these we have already specified. If any one does not know by what names the Greeks call them, let him be informed that they are termed σαρκασμός, ἀστεϊσμός, ἀντίφρασις, παροιμία. 58. There are, however, some rhetoricians who say that these are not species of allegory, but tropes; and they support their opinion by a very forcible reason; namely, that allegory is obscure, but that in all these modes of speaking what we mean is clearly apparent. To this is added the consideration that a *genus*, when distinguished into species, has nothing peculiar to itself, as *tree* is distinguished into *pine*, *olive*, *cypress*, etc.,

* VI. 2, 15, 16. † Cicero pro Cluent. c. 33.

‡ See sect. 20.

§ A passage from a lost speech of Cicero, made, without doubt, against Clodius and Curio; see c. 3, sect 81. *Spalding.*

‖ In place of the blank there are in the original the words *aliud textu*, which are without meaning.

without retaining any peculiarity to itself; but allegory has something peculiar; and how could this be the case, if it were not itself a species? But whether it be a species or a genus is of no moment in respect to the use of it.

59. To the four forms just enumerated is to be added μυκτηρισμός, a kind of derision which is dissembled, but not altogether concealed.

When that is said in many words which might be said in one, or certainly in fewer, the Greeks call the figure περίφρασις, "a circuitous mode of speaking," which is sometimes necessary, especially when it veils what cannot be plainly expressed without offence to decency; as in the phrase of Sallust *ad requisita naturæ*, "for the necessities of nature."* 60. Sometimes its object is merely ornament, as is very common among the poets:

Tempus erat, quo prima quies mortalibus ægris
Incipit, et dono divûm gratissima serpit,†

"It was the time at which the first sleep commences to weary mortals, and by the kindness of the gods spreads itself most gratefully." 61. It is also not uncommon among orators, but always of a more restricted nature; for whatever might be stated more briefly, but is for the sake of ornament expressed more fully, is περίφρασις, to which the Latin name *circumlocutio* has been given; a term indeed not very proper for designating a beauty of style. But as this figure, when it gives embellishment to language, is called *periphrasis*, so, when it has a contrary effect, it is termed περισσολογία, "redundancy of words," for whatever is not of service, is hurtful.

62. *Hyperbaton*, also, that is, *verbi transgressio*, "transposition of words," as the harmony and beauty of composition‡ often require it, we rank, not improperly, among the excellences of language. For speech would often become rough and harsh, lax and nerveless, if words should be ranged exactly in their original order, and if, as each presents itself, it should be placed side by side of the preceding, though it cannot be fairly attached to it. 63. Some words and phrases must,

* Supposed to be a fragment of Sallust's History.

† Æn. ii. 268.

‡ The text has *comparationis*, but we should doubtless read, as Spalding says, *compositionis*.

therefore, be kept back, others brought forward, and, as in structures of unhewn stones, each must be put in the place which it will fit; for we cannot hew or polish them, in order that they may close and unite better, but we must use them as they are and find suitable places for them. 64. Nor can anything render style harmonious, but judicious changes in the order of words. It was for no other reason* that those four words in which Plato states, in the most noble of his works, that *he had gone down to the Piræeus*,† were found written several ways on his tablets, than because he was trying to make order contribute as much as possible to harmony.‡ 65. When hyperbaton takes place only in two words, it is called *ἀναστροφή*, or *reversio*, as *mecum*, *secum*, or as, among orators and historians, *Quibus de rebus*. But what properly takes the name of hyperbaton, is the removal of a word to a distance from its natural place with a view to elegance; as, *Animadverti, judices, omnem accusatoris orationem in duas divisam esse partes;* for *in duas partes divisam esse* was the natural order, but would be harsh and inelegant. 66. The poets, indeed, besides transposing words, also divide them; as,

Hyperboreo septem *subjecta* trioni;§

a liberty which prose does not tolerate. But the reason for which such a division of a word is called a *trope*, is, that the sense cannot be ascertained but by uniting the two separate parts; 67, otherwise, when no alteration is made in the sense, and the structure only is varied, it may rather be called a *verbal figure*; and many writers diversify their language by long hyperbata of this kind. What inconveniences arise from confusion of figures, I have noticed in the proper place.‖

To *hyperbole*, as being a bolder sort of ornament, I have assigned the last place. It is *an elegant surpassing of the truth;* and is used equally for exaggerating and extenuating. 68. It may be employed in various ways; for we may either

* The Republic.

† See Diog. Laert. iii. 37; Dionys. Halicarn. vol. v. p. 209 ed. Reisk.

‡ [*Quàm*] *quòd eum quoque maximè facere experiretur.*] These words are in some way corrupt. Gesner supposes the sense to be *quàm quod eum* [sermonem] *facere* [numerosum] *maximè experiretur*. That *quàm* is wanting before *quòd* every editor has seen, though no one has inserted it in the text.

§ Virg. Georg. iii. 381. ‖ See sect. 50, and c. 2, sect 14.

say what is more than the truth, as, *Vomiting, he filled his lap and the whole tribunal with fragments of undigested food;** and,

Geminique minantur
In cœlum scopuli,†
Two rocks rise threateningly towards the sky;

or we exaggerate one thing by reference to another; as,

Credas innare revulsas
Cycladas,‡
You would have thought the Cyclades uptorn
Were floating on the deep;

69. or by comparison; as,

Fulminis ocior alis,§
Swifter than the wings
Of lightning;

or by something of a characteristic nature:

Illa vel intactæ segetis per summa volaret
Gramina, nec cursu teneras læsisset aristas,‖
She o'er the rising tops of untouch'd corn
Would fly, nor in her course the tender ears
Would hurt;

or by a metaphor, as in the word *volaret*, "would fly." 70. Sometimes, too, one hyperbole is increased by the addition of another, as Cicero, in speaking against Antony,¶ says, *What Charybdis was ever so voracious? what Charybdis, do I say? If such a monster ever existed, it was but one animal, but the whole ocean, by Hercules, would scarcely have been able, as it seems to me, to have swallowed up so many things, so widely dispersed, and lying in places so distant, in so short a space of time!* 71 But I have noticed, as I think, an exquisite figure of this kind in Pindar, the prince of lyric poets, in the book which he has called "Υμνοι: for he says, that *the impetuosity of Hercules in attacking the Meropes*, who are said to have dwelt in the island of Cos, was *comparable* neither to fire, nor wind, nor the sea, but *to lightning*, as if other objects were

* Cicero Philipp. ii. 25.
† Æn. i. 162.
‡ Æn. viii. 691.
§ Æn. v. 319.
‖ Æn. vii. 808.
¶ Philipp. ii. 27.

insufficient, and lightning only suitable, to give a notion of his rapidity.* 72 This Cicero† may be thought to have imitated, when he said of Verres, *There arose in Sicily, after a long interval of time, not a Dionysius, nor a Phalaris, (for that island, in days of old, produced many cruel tyrants,) but a monster of a new kind, though endued with that ferocity which is said to have prevailed in those parts; since I believe that no Charybdis or Scylla was ever so destructive to ships in those seas as he was.* 73. There are also as many modes of extenuating as of magnifying: Virgil says of a flock of lean sheep,

—— *Vix ossibus hærent,*‡

They scarcely hang together by their bones.

Or, as Cicero says, in a book of jests,

Fundum Varro vocat, quem possim mittere fundâ,
Ni tamen exciderit quà cava funda patet.§

But even in the use of the hyperbole some moderation must be observed; for though every hyperbole is beyond belief, it ought not to be extravagant; since, in no other way do writers more readily fall into κακοζηλία, "exorbitant affectation." 74. I should be sorry to produce the vast number of absurdities that have sprung from this source, especially as they are by no means unknown or concealed. It is sufficient to remark, that the hyperbole *lies*, but not so as to intend to deceive by lying; and we ought, therefore, the more carefully to consider, how far it becomes us to exaggerate that in which we shall not be

* This work of Pindar is lost. Burmann observes that there are allusions to this expedition of Hercules, Nem. iv. 41, and Isthm. vi. 46.

† In Verr. v. 56.

‡ Virg. Ecl. iii. 103.

§ It is useless to try to translate this epigram, or render it intelligible to any one who does not understand the Latin language. Whether the word *Varro* has any right to a place in it, is very doubtful, for it appears to have been inserted by Aldus Manutius merely on conjecture; some manuscripts have *veto*, others *vecto*, others *vero*. Spalding would read *Fundum, Vecte, vocas*, &c., and supposes that the epigram was made on some fellow who was boasting of his lands, which Cicero ridicules as being so small that they might be put into a sling, and might even fall out of it before they could be properly discharged from it. For *Cicero in quodam joculari libello*, with which the epigram is prefaced, Spalding would read *Cicero est in quodam joculatus Vetto.*

believed. It very often raises a laugh; and if the laugh be on the side of the speaker, the hyperbole gains the praise of wit, but, if otherwise, the stigma of folly. 75. It is in common use, as much among the unlearned as among the learned; because there is in all men a natural propensity to *magnify* or *extenuate* what comes before them, and no one is contented with the exact truth. But such departure from the truth is pardoned, because we do not affirm what is false. 76. In a word, the hyperbole is a beauty, when the thing itself, of which we have to speak, is in its nature extraordinary; for we are then allowed to say a little more than the truth, because the exact truth cannot be said; and language is more efficient when it goes beyond reality than when it stops short of it. But on this head I have here said enough, because I have spoken on it more fully in the book in which I have set forth the *Causes of the Corruption of Eloquence.*

BOOK IX.

CHAPTER I.

Of figures; often confounded with tropes, § 1—3. Difference between them, 4—6. Name not of great importance, 7—9. The word Figure is taken by some in a more extended, by others in a more confined, sense, 10—14. Two kinds of figures, those of thought and those of words, 15—18. Of figures of thought, 19—21 Some make them too numerous, 22—24. Quotation from Cicero de Oratore, 26—36. Another from Cicero's Orator, 37—45.

1. As I have treated, in the preceding book, concerning tropes, there now follows that part of my work which relates to figures, (they are in Greek called *σχήματα*.) and which is by the nature of the subject connected with what goes before; for many have considered that figures are tropes; because, whether tropes take their name from being formed in a particular way, or from making changes in language, (whence they are also called *motus*,*) it must be acknowledged that both those peculiarities are found equally in figures. 2. The use of them is also the same; for they add force to our thoughts, and confer a grace upon them. Nor have authors been wanting to give tropes the name of *figures*, among whom is Caius Artorius Proculus.† 3. The resemblance between them is indeed so striking, that it is not easy for every one to tell the difference; for though some species of both are evidently distinct, (even while there still remains a general similarity in their nature, inasmuch as they both deviate from simple and direct language for the purpose of adding to the beauties of style,) yet others are divided by a very narrow boundary, as *irony*, for example, which is numbered as well among figures of thought as among tropes;‡ while as to *periphrasis*, and *hyperbaton*, and *onomatopœia*, even eminent authors have called them figures of speech rather than tropes.

4. The difference between them, therefore, requires the

* See viii. 5, 35.

† Of this writer, supposing the name to be correct, the learned know nothing, unless he be the Artorius mentioned by Festus under the words *procestria*, *tentipellium*, *topper*, to whom Burmann aptly refers us. *Spalding.*

‡ V. 10, 44.

more carefully to be specified. A TROPE, then, is *an expression turned from its natural and principal signification to another, for the purpose of adorning style;* or, as most of the grammarians define it, *an expression altered from the sense in which it is proper to one in which it is not proper.* A FIGURE (as is indicated by its very name) *is a form of speech differing from the common and ordinary mode of expression.* 5. In tropes, accordingly, some words are substituted for others, as in *metaphor, metonymy, antonomasia, metalepsis, synecdoche, catachresis, allegory,* and, generally, in *hyperbole,* which has place, however, both in matter and in words. *Onomatopœia* is the coining of a word, which word is then put for some other word or words which we should have used if we had not coined it. 6. *Periphrasis,* though it commonly fills up the place of the term instead of which it is used, employs several words for one. The ἐπίθετον, inasmuch as it generally partakes of the antonomasia, becomes, by union with it, a trope.* In the *hyperbaton* there is a change of order, and many, therefore, exclude that kind of figure from among tropes; it transfers, however, a word, or part of a word,† from its own place to another. 7. Nothing of this sort is necessary to figures; for a figure may consist of natural words arranged in their common order. As to *irony,* how it comes to be sometimes a trope, and sometimes a figure, I shall explain in the proper place:‡ for I allow that the two appellations are applied to it indifferently, and I am aware what complicated and subtle disputations the question about the name has originated; but they have no relation to my present object: and it is of no importance how a trope or a figure is termed, provided it be understood of what use it is in style. 8. The nature of things is not changed by a change in their appellations; and as men, if they take a name different from that which they had, are still the same persons, so the forms of expression, of which we are speaking, whether they be called tropes or figures, are still of the same efficacy, for their use does not consist in their name but in their influence; just as in regard to the *state* of a cause, it is of no consequence

* We speak in a trope, and adopt the *antonomasia,* when we use Pelides, for example, by itself, for Achilles. If we use the two in conjunction, Achilles Pelides, "Achilles, son of Peleus," Pelides is but an *epitheton.* See viii. 6, 29; vi. 3, 69.

† As in the verse of Virgil cited viii. 6, 66.

‡ C. 2, sect. 44.

whether we call it the *conjectural*, or the *negative*, or one about *fact*, or *the existence of a thing*,* provided we understand that the question is the same. 9. It will, therefore, be best, in respect to forms of speech, to adopt the terms generally received, and to endeavour to comprehend the thing, by whatever name it be called. It is to be observed, however, that the trope and the figure often meet in the same sentences; for style is diversified as well by metaphorical words, as by words in their natural sense.†

10. But there is no small disagreement among authors, as to what is the exact sense of the word *figure*, and how many genera of figures there are, and how many and what species. We must, therefore, first of all consider what we are to understand by the word figure; for it is used in two senses; signifying, in the one, any form of words, whatever it may be, as bodies, of whatever they be composed, have some certain shape; in the other, in which it is *properly* termed a figure, any deviation, either in thought or expression, from the ordinary and simple method of speaking, as our bodies assume different postures when we sit, lie, or look back. 11. When, therefore, a speaker or writer uses constantly, or too frequently, the same cases, or tenses, or numbers, or even feet, we generally admonish him to *vary his figures* in order to avoid uniformity. 12. In using this expression, we speak as if all language had its figure; as also when we say that *cursitare* is of the same figure as *lectitare*, that is, is formed in the same way. If we adopt the first and general sense, then, there will be no part of language that is not *figured;* and if we confine ourselves to that sense, we must consider that Apollodorus (if we trust the report of Cæcilius) justly thought that precepts on this head would be numberless. 13. But if particular habits, and, as it were, gestures of language, are to receive this designation, that only must here be regarded as a figure, which deviates, by poetical or oratorical phraseology, from the simple and ordinary modes of speaking. Thus we shall be right in saying that one sort of style is ἀσχημάτιστον, or destitute of figures, (and this is no small fault,) and another ἐσχηματισμένον, or diversified with figures. 14. This sense of the word, however, Zoilus‡ limited too narrowly, for he thought that

* See iii. 6, 15, 39. † Comp. sect. 7.

‡ The same Zoilus that assailed Homer. He wrote on rhetoric, grammar, and various other subjects.

only a figure in which something is pretended to be said different from what is really said, and I know that the word figure is vulgarly taken in this sense; whence certain subjects for exercise in oratory, of which I shall speak a little farther on, are called *figurative*.* Let the definition of a figure, then, be *a form of speech artfully varied from common usage.*

15. Some rhetoricians have thought that there was but one kind of figures; though they were led to adopt that opinion by different considerations; for some said that all figures lay in words, because a change in the words produced a change also in the thought; others said that they all lay in the thought, because it is to thoughts that words are adapted. 16. But with both these parties there is evident sophistry; for the same things are constantly expressed in different ways, and the thought remains the same while the language is altered; and a figure of thought may be expressed in various figures of words; for the one figure lies in a conception of the mind, and the other in the expression of that conception; but they are frequently found in union; as in the sentence, *Jamjam, Dolabella, neque me tui, neque tuorum liberûm*, &c., "Now, Dolabella, I have no pity for you, or for your children," &c.† For the conversion of the address from the judge to Dolabella‡ lies in the thought; *jamjam* and *liberûm* are figures of words.§

17. It is admitted, then, as far as I know, among most authors, that there are two kinds of figures, those of διανοία, that is, of thought, *mens, sensus*, or *sententiæ*, for they are designated by all those terms, and those of λέξις, that is, of words, or diction, or expression, or language, or speech, for they have various names, and it is of no consequence by which name we call them. 18. Cornelius Celsus, however, adds to figures of speech and thought *figures of complexion*,‖ allowing himself to

* In which there is something ironical, simulatory, or dissimulatory. "Dionysius of Halicarnassus calls the speech of Demosthenes *de Coronâ* λόγος ἐσχηματισμένος, because he pretends to undertake the defence of Ctesiphon, while his real object was to justify himself." *Capperonier.* See v. 10, 70; ix. 2, 65.

† Cic. Verr. i. 30. ‡ See iv. 1. 63.

§ *Jamjam* being, as Capperonier remarks, a *palillogia*, or duplication; and *liberûm* being contracted by *syncope*.

‖ He designates, by this term, such figures as we use when we wish to give a favourable colouring to a cause which is in itself bad; but such figures of colouring must be regarded as figures of thought. *Turnebus* See iv. 2. 94—100.

be swayed, assuredly, by too great fondness for novelty; for who can suppose that such a man, learned in other respects, did not see that figures of complexion must be figures of thought?† Figures, therefore, like every part of language, must necessarily lie either in thought or in words.

19. But as it is the order of nature that we should conceive thoughts in the mind before we enunciate them, I must accordingly speak first of those figures that relate to thought; figures of which the influence is so extensive and so various, that it makes itself apparent, with the utmost conspicuousness, in every part of oratory; for though it may seem to be of little importance in establishing a proof in what figure our arguments are advanced, yet figures make what we say probable, and penetrate imperceptibly into the mind of the judge. 20. Indeed, as, in a passage of arms, ‡ is easy to see, parry, and ward off direct and undisguised strokes,‡ while side-blows and feints are less observable, and as it is a proof of art to aim at one part when you intend to hit another, so that kind of oratory which is free from artifice can fight only with its own mere weight and force, but such as disguises and varies its attacks can assail the flank or rear of an enemy, can turn aside his weapons, and deceive him as it were with a nod. 21. Over the feelings nothing has greater power; for if the look, the eyes, the gesture of a speaker has a powerful effect on the mind, how much more influence must the air, as it were, of his speech have, when adapted to make the impression which he desires? But the greatest power of figures is shown in rendering oratory attractive, either by giving plausibility to the character of the speaker, by securing favour to his cause, by relieving weariness with variety, or by presenting certain points in a more becoming or safe light.

22. Before I proceed, however, to show what kinds of figures are applicable to particular subjects, I must observe that they are far from being so numerous as many writers represent them; for all those names of figures, which it is so easy for the Greeks to invent, have no influence with me. 23. First of all, therefore, those who think that there are as many figures as there are affections of the mind, are to be utterly disregarded; not because an affection of the

† *Colores et sententias sensûs esse.*] These words seem to be in some way corrupt. Some editions have *sensuum*, by which nothing is gained.

‡ See note on v. 13. 54

mind is not a certain condition of it, but because a figure (of which we now speak, not in its general, but in its restricted sense,) is not a mere expression of any condition of the mind whatever. To testify *anger*, therefore, in speaking, or *grief*, or *pity*, or *fear*, or *confidence*, or *contempt*, is not to use a figure, any more than to *advise*, or *threaten*, or *entreat*, or *excuse*. 24. But what deceives those who do not consider the question sufficiently, is, that they find figurative expressions in all such modes of thought, and produce examples of them from speeches; a task by no means difficult, since there is no part of oratory which is not open to figures; but it is one thing *to admit a figure* and another *to be a figure;* for I shall not shun the frequent repetition of the same word for the purpose of thoroughly explaining the thing. 25. My opponents, I know, will point to figures in orators expressing *anger*, or *pity*, or *entreaty;* but *to be angry*, or *to pity*, or *to entreat*, will not for that reason be a figure. Cicero, indeed, includes all the embellishments of oratory under this head, adopting, as I consider, a kind of middle course; not intimating, on the one hand, that all sorts of phrases are to be regarded as figures, nor, on the other, those only which assume a form at variance with common usage: but making all such expressions figurative as are most brilliant, and most effective in impressing an audience. This judgment of his, which he has delivered in two of his works, I subjoin word for word, that I may not withhold from the reader the opinion of that eminent author.

26. In the third book *De Oratore*,* is the following passage: "But with regard to the composition of words, when we have acquired that smoothness of junction, and harmony of numbers, which I have explained, our whole style of oratory is to be distinguished and frequently interspersed with brilliant lights, as it were, of thoughts and of language. 27. For the *dwelling* on a single circumstance has often a considerable effect; and a clear *illustration*, and *exhibition* of matters to the eye of the audience,† almost as if they were transacted before them. This has wonderful influence in giving a representation of any affair, both to illustrate what is represented, and to amplify it; so that the point which we magnify may appear to the audience to be really as great as the powers of our language can represent it. Opposed to this is *rapid transition* over a thing, which may often be practised. There

* C. 52, 53. † Quint. ix. 2, 40.

is also *signification* that more is to be understood than you have expressed, distinct and concise *brevity*, and *extenuation;* 28. and, what borders upon this, *ridicule*, not very different from that which was the object of Cæsar's* instructions; and *digression* from the subject, and, when gratification has thus been afforded, the return to the subject ought to be happy and elegant: *proposition* of what you are about to say, *transition* from what has been said, and *return* to the subject; *repetition;* apt *conclusion* of reasoning; 29. *exaggeration* or surpassing of the truth for the sake of amplification or diminution; *interrogation*, and, akin to this, as it were, *consideration* or seeming inquiry, followed by the delivery of your own opinion; and *dissimulation*, the *humour* of saying one thing and signifying another, which steals into the minds of men in a peculiar manner, and which is extremely pleasing when it is well managed, not in a vehement strain of language, but in a conversational style; 30. also *doubt*, and *distribution;* and *correction* of yourself, either before or after you have said a thing, or when you *repel* any thing from yourself; there is also *premunition*, with regard to what you are going to prove; there is the *transference of blame* to another person; there is *communication* or consultation, as it were, with the audience before whom you are speaking; *imitation* of manners and character, either with names of persons or without, which is a great ornament to a speech, and adapted to conciliate the feelings even in the utmost degree, and often also to rouse them; 31. the *introduction of fictitious characters*, the most heightened figure of exaggeration; there is *description; falling into a wilful mistake; excitement of the audience to cheerfulness; anticipation; comparison* and *example*, two figures which have a very great effect; *division; interruption; contrast;*† *suppression; commendation;* 32. a certain *freedom and even uncontrolledness of language* for the purpose of exaggeration; *anger; reproach; promise; deprecation; beseeching;* slight *deviation* from your intended course, but not like digression, which I mentioned before; *expurgation; conciliation; attack; wishing; execration.* 33. Such are the figures in which thoughts give lustre to speech.

* One of the speakers in Cicero *De Oratore;* see b. ii. c. 3.

† *Contentio.*] Ellendt, on Cicero *de Oratore*, supposes that by this word some species of comparison is meant. Turnebus thinks that it is equivalent to the Greek δείνωσις, "vehemence."

"Of words themselves, as of arms, there is a sort of threatening and attack for use, and also a management for grace. For the *reiteration* of words has sometimes a peculiar force, and sometimes elegance; as well as the *variation* or deflexion of a word from its common signification; and the frequent *repetition* of the same word in the beginning, and *recurrence* to it at the end, of a period; *forcible emphasis* on the same words; *conjunction*;* *adjunction*; *progression*;† a sort of *distinction* as to some word often used; the *recall* of a word; the use of words also which end similarly, or have similar cadences, or which balance one another, or which correspond to one another. 34. There is also a certain *gradation*, a *conversion*,‡ an elegant *transposition* of words; there is *antithesis*, *asyndeton*, *declination*,§ *reprehension*,‖ *exclamation*, *diminution*;¶ and the use of the same word in different cases; the *referring* of what is derived from many particulars *to each particular singly*; *reasoning* subservient to your *proposition*, and *reasoning* suited to the order of *distribution*; *concession*; 35. and again another kind of *doubt*;** the introduction of something *unexpected*;†† *enumeration*; another *correction*;‡‡ *division*;§§ *continuation*; *interruption*; *image*;‖‖ *answering your own questions*; *immutation*;¶¶ *disjunction*;*** *order*;†††

* Supposed to be the same with συμπλοκή, or κοινότης, when phrases begin and end with the same word; see examples in c. 3, sect. 30, 31.

† It is uncertain what figure is meant by *progressio*.

‡ An antithetic position of words, as *Esse ut vivas, non vivere ut edas*. Ellendt, on Cic. de Orat.

§ The same as the ἀντιμεταβολή of Quintilian, c. 3, sect. 85.

‖ Or *correction*. See c. 2, sect. 18. ¶ *Litotes*.

** How this kind of doubt differs from that which is mentioned among figures of thought, it is not easy to say. *Ellendt*, on Cic. de Orat. One refers, perhaps, to doubt respecting a thought; the other to doubt about the use of a word. †† Quint. ix. 3, 90.

‡‡ Correction in regard to a word; different from that mentioned in sect. 30. §§ *Dissipatio*.] See Quint. ix. 3, 39.

‖‖ Εἰκών, or *similitude*, as *fruit* of the mind for *thought*.

¶¶ Ἀλλοίωσις: c. 3, sect. 92.

*** Or accurate *distinction*. The writer *ad Herennium*, iv. 27, gives this example: *Formæ dignitas aut morbo defloruit, aut vetustate extinguitur*. Were we to omit the last word, we should use the figure *conjunction*, referring both the ablatives to one verb.

††† Τάξις. Rutilius Lupus, ii. 17, gives this example; *Nam vehementer eorum vitiis invehi non licebat; retinere omnino non expediebat; suspicioseè loqui potissimùm placebat*. A clear specification of particulars.

*relation ;** *digression ;*† and *circumscription* ‡ 36. These are the figures, and others like these, or there may even be more, which adorn language by peculiarities in thought and in structure of style."

Most of these forms of language, though not all, are mentioned in the *Orator*.§ and with somewhat greater distinctness; for, after having spoken of figures of speech and thought, he adds a third division, relating, as he says, to other virtues, as they may be called, of style :

37. " Those other illuminations, so to speak, which are derived from the arrangement of words, add great splendour to language ; for they are like what are called, in the full decoration of a theatre or forum, the *insignia*, or ' most striking objects,' not as being the only ornaments, but as being more remarkable than any of the others. 38. Such is the effect of what are called illuminations, and, as it were, *insignia*, of language ; for the mind of the hearer is necessarily struck when words are *repeated* and *reiterated*, or *reproduced with a slight change ;* or when several sentences are *begun* or *ended*, or *both, with the same word ;* or when the same word or phrase is *doubled*, either *in the body* or *at the close of a sentence ;* or when one word *constantly recurs*, but *not in the same sense ;* or when words are used *in the same cases* and *with the same terminations ;* 39. or when words of *a contrary sense are* in various ways *opposed ;* or when the force of the language *advances upwards step by step ;* or when *conjunctions are omitted*, and several words or phrases are uttered without connexion ; or when we *pass over some points*, and explain why we do so ; or when we *correct ourselves*, with an air of censure ; or when any *exclamation*, of surprise or complaint, is used ; or when the *cases of the same word are frequently changed.*

40. " But the figures of thought are of a much higher character ; and, as Demosthenes uses them very frequently, there are some who think it is from them that his eloquence receives its greatest excellence ; for scarcely any subject, indeed, is treated by him without the introduction of some figure of

* See Quint. ix. 3, 97.

† *Digressio.*] *Digression* has been twice mentioned before. Ellendt supposes that the word should be expunged. Perhaps, from Quintil. ix. 3. 9 , we should read *dinumeratio.*

‡ To this word Quintilian knew not what meaning to assign ; see c. 2, sect. 91.

§ C. 39.

thought; and, to say the truth, to speak like an orator is nothing else than to illumine all our thoughts, or at least the greater part of them, with some appearance of brilliancy. 41. But as you, Brutus,* have a thorough knowledge of the varieties of thoughts, why should I give names or examples? Only let the subject be noted in your memory.

"The orator, therefore, whom we desire to see, will speak in such a way as to present one and the same thing under different aspects; and to rest and dwell upon the same thought. 42. Often, too, he will speak so as to extenuate some point; often so as to throw ridicule on something; or so as to decline and turn aside his course of thought from his object; to state what he designs to say; to pronounce a conclusive decision when he has dispatched any point; to retrace his steps occasionally, and repeat what he has said; to wind up a course of argumentation with fresh proofs; to press his adversary with questions; to reply to questions put as it were by himself; to intimate that he is to be understood and regarded as meaning something different from what he says; 43. to express doubt what he should say in preference to something else, and how he should say it; to divide his matter into heads; to omit or disregard some points that he has specified; to fortify some by anticipation; to throw blame upon his adversary for the very things for which he himself is censured; to seem to consult, at times, with his audience, and occasionally even with his opponent; 44. to describe the characters and conversations of men; to introduce dumb objects as speaking; to divert the attention from the subject which is under discussion; to excite the audience, frequently, to mirth and laughter; to obviate objections that he sees likely to arise; to compare similar cases; to adduce examples; to make distinctions of persons, attributing one thing to one, and another to another; to check the interruptions of his adversary; to observe that he is silent on certain particulars; to show on what points the judge must be on his guard; to hazard at times the boldest assertions; to manifest even anger; to utter reproaches now and then; to use deprecation and entreaty; to remove unfavourable impressions; to digress a little from his subject;† to utter wishes or execra-

* To whom Cicero's *Orator* is addressed.

† *Ut a proposito declinet aliquantulum.*] A repetition apparently made by Cicero unawares. He had said previously, sect. 42, *Ut declinet a proposito.*

tions; and to assume a familiar tone towards those to whom he is speaking. 45. Let him aim also at other virtues, if I may so call them, of oratory. He will adopt brevity, for instance, if his subject require it; he will often set a thing, by his eloquence, before the eyes of his hearers; he will amplify it beyond what can possibly have taken place; what he intimates will often be more than what he says; he will often assume cheerfulness, and indulge in an imitation of life and nature. By such means (for you see as it were a forest* before you) the full power of eloquence must make itself manifest."

CHAPTER II.

Quintilian makes figures less numerous than Cicero and some other writers, § 1—5. Of interrogation, 6—15. Of prolepsis or anticipation, 16—18. Doubt, 19. Communication or pretence of consultation with the audience, 20—24. Permission, 25. Modes of simulation, 26—29. Of personification, 30—33. Pretended writings, and parodies, 34, 35. Other fictions of persons, 36, 37. Apostrophe, 38, 39. Vivid or representative narration and description, 40--43. Irony, 44—53. Aposiopesis, 54—57. Of imitation of other persons' manner, and some other figures, 58—63. Emphasis, 64. Of *figuratæ controversiæ*, causes in which figurative language is adopted, 65, 66. Such language is used when it is unsafe to speak plainly, 67—75. When respect for some person puts a restraint on the speaker, 76—95. Or where a fairer opportunity for speaking is sought, 96—99. Comparison, 100, 101. Other figures mentioned by different writers, 101—107.

1. He, therefore, who shall think proper to consider the figures of words and thought in a more extensive sense than I myself contemplate them, will have something to follow; nor would I venture to say that anything can be offered on the subject better than what Cicero has stated; but I would wish him to read Cicero's remarks with a reference to my views; for I purpose to treat only of those figures of thought which deviate from common modes of expression; a method which has been adopted, I observe, by many extremely learned men. 2. All those embellishments of language, however, even such as are of a different kind, are such necessary qualities of oratory, that a speech could scarcely be imagined to be produced without them; for how can a judge be instructed, if there be

* *Silvam.*] I have translated this word "forest." There may be an allusion to the sort of *silva* mentioned in x. 3. 17.

wanting lucid *explanation, statement, offer of proofs, definition of the point in question, distinction, exposition of the speaker's own opinion, just conclusion from arguments, anticipation of objections, comparisons, examples, digestion and distribution of matter, occasional interruption of our opponent, restraint on him when he interrupts ourselves, assertion, justification, destructive attacks?* 3. What could eloquence do at all, if the privileges of *amplification* and *extenuation* were withheld from it? amplification, which gives an intimation of more than has been expressed, that is, ἔμφασις, and which allows us to go beyond and exceed reality; extenuation, which includes diminution and palliation. What strong impressions on the feelings would be made, without *boldness of speech*, without *giving the rein to passion*, without *invectives*, *wishes*, and *imprecations?* Or what gentler impressions, unless they be promoted by *recommendation of ourselves to our hearers*, by *conciliating their good-will*, and *exciting them to cheerfulness?* 4. What pleasure could be afforded, or what indication even of moderate learning, by a speaker, if he knew not how to enforce some points by *repetition*, and others by *dwelling upon them;* how to make a *digression*, and *return to his subject;* how to *remove a charge from himself*, and *transfer it to another;* and how *to judge what particulars should be omitted*, or *represented as important?* In such arts consists the life and energy of oratory; and, if they be taken from it, it is spiritless, and wants as it were a soul to animate its body. 5. But these qualities ought not only be found in eloquence, but also to be variously dispersed throughout it, that they may charm the auditor with every kind of melody, such as we perceive produced from musical instruments. These excellences, however, generally present themselves obviously; they do not disguise, but manifest themselves. Yet they admit, as I said,* of figures, as may be sufficiently proved from the figure of which I shall immediately proceed to speak.

6. What is more common than *interrogare*, "to ask," or *percontari*, "to question?" for we use both terms indifferently, though one seems to apply properly to mere desire of information, and the other to that of establishing proof. But the thing itself, by whatever name it be distinguished, is susceptible of many varieties of figure. Let us begin with those by which proof, to which I have given the first place, is rendered

* C. 1, sect. 24

more strong and efficacious.* 7. It is a simple interrogation to say,

Sed vos qui tandem? quibus aut venistis ab oris? †
But who are you, or from what coasts arriv'd?

But it is an interrogation with a figure, when it is adopted, not for the sake of seeking information, but in order to attack the person interrogated; for example, *What was your drawn sword doing, Tubero, in the field of Pharsalia?* ‡ and, *How long, I pray, Catiline, will you abuse our patience? Do you not see that your machinations are discovered?* § and so on, through the whole of the passage. 8. How much more animated is such a mode of expression than to say, *You abuse our patience a long time; your machinations are discovered.* We sometimes ask, also, concerning what cannot be denied; as, *Has Caius Fidiculanius Falcula, I pray, been brought to judgment?* ‖ Or when to find an answer is difficult; as we say in common conversation, *How? How is it possible?* Or to throw odium on the person to whom we address ourselves; as Medea says in Seneca, *Quas peti terras jubes?* "What land do you command me to seek?" 9. Or to excite pity; as Simon in Virgil,

Heu quæ me tellus, inquit, quæ me æquora possunt
Accipere? **
Alas! what land, he cries, what seas, can now
Receive me?

Or to press our opponent, and deprive him of all ground for pretending not to understand us; as Asinius Pollio said, *Do you hear? We are attacking the will of a madman, I say, not of a person who merely failed in his duty.* 10. Interrogation is indeed subservient to various purposes. It assists in expressing indignation:

* *Incipiamus enim ab iis quibus acrior et vehementior fit probatio, quod primo loco posui.*] A passage about which I know not what reader will satisfy himself. The words *quod primo loco posui* are supposed by Spalding to refer to sect. 2, where to *prove to the judge*, and convince him, seems to be spoken of as the chief object of oratory, but he remarks that others might choose rather to refer them to *interrogare*. Capperonier for *probatio*, has inserted in his text *rogatio*, but *oratio*, which had also suggested itself to him, was surely preferable.

† Æn. i. 369.
‡ Cic. Pro Ligar. c. 3.
§ Cic. Cat. i. 1.
‖ Pro Cluent. c. 37.
¶ Sen. Med. 453.
** Æn. ii. 69.

—— Et quisquam numen Junonis adoret? *
And will any one adore
The deity of Juno?

And wonder:

—— Quid non mortalia pectora cogis,
Auri sacra fames? †
To what dost thou not mortal breasts impel,
O direful thirst of gold?

11. Sometimes it is a more spirited form of command; as,

Non arma expedient, totâque ex urbe sequentur? ‡
Will they not arms prepare, and forth pursue
From all the city?

Sometimes we ask ourselves; as in Terence,

Quid igitur faciam? §
What shall I do, then?

12. A figure is sometimes adopted, too, in a reply; as when a person asks a question about one thing, and a reply is made to him about another more to the respondent's purpose. This may be done, for example, with the view of aggravating a charge; as when a witness against an accused person, being asked, *Whether he had been beaten with a stick by the accused,* replied, *Although I was innocent;* ‖ or with the view of eluding a charge; which is a more frequent case; as when the question is, *I ask whether you have killed a man,* and the reply given is, *A robber;* or, *Have you seized upon an estate? My own.* ¶ 13. Or an answer may be given in such a way that defence may precede confession; as in Virgil's Bucolics,** where one shepherd says to another,

Non ego te vidi Damonis, pessime, caprum
Excipere insidiis?
Did I not see you, rascal, catch a goat
Of Damon's in a snare?

the reply is,

An mihi cantando victus non redderet ille?
Did he not, overcome in song, refuse
To give it me?

14. Similar to this kind of answer is *dissimulation,* which is used only to excite laughter, and has consequently been

* Æn. i. 48.
† Æn. iii. 56.
‡ Æn. iv. 592.
§ Eun. i. 1, 1.
‖ The same example is given by Julius Rufinianus, c. 8.
¶ Compare vi. 3, 74. *Spalding.*
** III. 17.

noticed in its proper place ;* for if it be used seriously, it has the effect of a confession.

The practice also *of questioning and replying to one's self* is generally not unpleasing; as Cicero does in his speech for Ligarius,† *Before whom, then, do I say this? Before him, assuredly, who, at a time when he had a full knowledge of what I have just said, nevertheless brought me back, even before he had seen me, to my country?* 15. In his speech for Cælius,‡ he adopts another mode, that of supposing a question: *Some one will say, Is this your moral discipline? Do you thus instruct youth?* &c., and he then replies, *I, judges, if any man was ever of such strength of mind, and so naturally disposed to virtue and chastity,* &c. Another method is, when you have asked a person a question, not to wait for an answer, but immediately to add one yourself; as, *Was a house wanting to you? But you had one. Was ready money superabundant with you? But you were in want.*§ This figure some call *per suggestionem,* "by way of *hypobole,* or intimation."

16. Interrogation is also made by comparison; as, *which of the two, then, will more easily give a reason for his opinion?*‖ And in other ways, sometimes concisely, sometimes at greater length, sometimes on one point, sometimes on several.

But what has a wonderful effect in pleadings is *anticipation,*¶ which is called by the Greeks προλῆψις, and by which we prevent objections that may be brought against us. It is used, not sparingly, in other parts of a speech, but is of the greatest effect in the exordium. 17. Though there is in reality but one kind of it, yet it includes several species; for there is *præmunitio,* "precaution," as in the speech of Cicero against Quintus Cæcilius,** when he premises, that *having always before defended, he is now proceeding to accuse;* there is a sort of *confession,* as that of Cicero, in his pleading for Rabirius Posthumus,†† whom he acknowledges to be blamable in his opinion, *for having entrusted money to king Ptolemy;* there is a sort of *prefatory statement,* as, *I will say, not for the purpose of aggravating the charge,*‡‡ &c.; there is a kind of

* VI. 3, 68. By *dissimulation* is meant replying in such a way as to seem not to understand the speaker.
† C. 3.
‡ C. 17.
§ Cic. Orat. c. 67.
‖ Pro Cluent. c. 38.
¶ Prolepsis. Compare iv. 1, 49.
** Div. in Verr. c. 1.
†† At the beginning, and in c. 9. See iv. 1, 46; 2, 18.
‡‡ I know not whence these words come, but there is something

self-correction, as, *I entreat you to pardon me if I have gone too far;* and there is also, what is very frequent, a species of *preparation*, when we state at some length, either why we are going to do something, or why we have done it. 18. The force or propriety of a word, too, is sometimes established by prolepsis; as, *Though that was not the punishment, but the prohibition, of crime;** or by *correction*, as, *Citizens, citizens, I say, if I may call them by that name.*†

19. *Doubt* also may give an air of truth to our statements, as when we feign, for example, to be at a loss where to begin, or where to end, or what to say in preference to something else, or whether we ought to speak at all. Of examples of such hesitation all speeches are full; but one will suffice: *Indeed,‡ as far as concerns myself, I know not whither to turn. Can I deny that there was an ill report of the judges having been bribed?* 20. This figure may likewise refer to the past, for we may pretend that we have been in doubt.

There is no great difference between doubt and that sort of figure called *communication*, which we use either when we consult, as it were, our opponents, as Domitius Afer in pleading for Cloantilla,§ *In her agitation, she knows not what is permitted to her as a woman, nor what becomes her as a wife. Perhaps chance has thrown you in the way of the unhappy woman in her anxiety; what advice do you, her brother, and you, the friends of her father, offer?* 21. Or when we pretend to deliberate with the judges, which is a very common artifice, saying, *what do you advise?* or, *I ask you yourselves what ought to have been done.* Thus Cato‖ exclaims, *I pray you, if you had been in that situation, what else would you have done?* and in another place, *Suppose that it were a matter of concern to you all, and that you had been appointed to manage the affair.* 22. But sometimes, in such communications, we subjoin something unexpected, which is in itself a figure; as Cicero, in speaking against Verres,¶ said, *What then? What do you think that he has committed? Some theft, perhaps, or some robbery?* and then, when he had kept

similar in the speech for Milo, c. 10: *Dicam enim non derivandi criminis causâ.* Gesner.

* From a lost speech of Cicero.

† Cic. pro Muræn. c. 37.

‡ Cic. pro Cluent. c. 1.

§ See viii. 5, 16.

‖ *Ut Cato*, Cedo, &c.] Spalding thinks that the word *Cato* may be spurious, and have sprung from the following word *Cedo*.

¶ V. 5.

the minds of the judges for a long time in suspense, added something far more atrocious. This figure Celsus calls *sustentatio*,* "suspension." 23. It is, however, of two kinds; for frequently, on the other hand, when we have raised an expectation of something enormous, we stoop to something that is either of little moment or not at all criminal. But as this is not always done *by communication*, others have given the figure the name of παραδοξον, or *surprise*. 24. Let me add, that I do not agree with those who think that even when we speak of something *surprising* having happened to ourselves, our language is figurative; as in what Pollio says, *I never imagined it would come to pass, judges, that, when Scaurus† was accused, I should have to entreat that interest may have no influence on his trial.*

25. The source of what we call *permission* is almost the same as that of communication, We are said to use this figure, when we leave something to be settled by the judges themselves, or sometimes even by the opposite party; as Calvus said to Vatinius,‡ *Assume a bold face, and say that you are more worthy to be made prætor than Cato*

26. As to the figures which are adapted for exciting the feelings, they consist chiefly in *simulation;* for we feign that we are angry, and that we rejoice, or fear, or wonder, or grieve, or feel indignant, or wish, or are moved by other similar affections. Hence the expressions, *Liberatus sum; respiravi.*§ "I am freed, I have recovered my spirits;" *Bene habet*, "It is well;" *Quæ amentia est hæc?* "What madness is this?" *O tempora, O mores!*‖ "O times, O manners!" *Miserum me! consumptis enim lacrymis infixus tamen pectori hæret dolor;*¶ "Wretched that I am! for, though my tears are exhausted, grief yet remains fixed in my heart," And,

*Magnæ nunc hiscite terræ!***
Gape now, O earth profound!

27. This some call *exclamation*, and number among *verbal figures.* When such exclamations, however, arise from sincere feeling, they are not figurative in the sense of which I am speaking; but, when they are fictitious, and the offspring of art, they must indisputably be regarded as figures. The same

* As a translation of the Greek word ἐποχή. *Turnebus.*
† See iv. 1, 69; vi. 1, 21.
‡ VI. 1, 13; i. 6, 42.
§ Cic. pro Mil. c. 18.
‖ Cic. in Catil. i. 1.
¶ Cic. Philipp. ii. 26.
** From some unknown poet. *Spalding*

may be said of that freedom of speech which Cornificius calls *licentia*, and the Greeks παρρησία: for what can be less figurative than plain and sincere speech; but under the appearance of it there frequently lurks flattery. 28. Thus when Cicero says in his speech for Ligarius,* *After the war had been commenced, Cæsar, and even almost brought to a conclusion, I, without being driven by any compulsion, but of my own purpose and will, set out to join that party which had taken up arms against you*, he not only looks to the interest of Ligarius, but bestows the highest possible praise on the clemency of the conqueror. 29. But in the question,† *What other object had we in view, Tubero, but that we might possess the same power which Cæsar now possesses?* he represents, with admirable art, the cause of both parties as good, while he thus conciliates him whose cause was in reality bad.

A figure which is still bolder, and requires, as Cicero thinks,‡ greater force, is the personation of characters, or *prosopopœia*. 30. This figure gives both variety and animation to eloquence, in a wonderful degree. By means of it, we display the thoughts of our opponents, as they themselves would do in a soliloquy; but our inventions of that sort will meet with credit only so far as we represent people saying what it is not unreasonable to suppose that they may have meditated; and so far as we introduce our own conversations with others, or those of others among themselves, with an air of plausibility, and when we invent persuasions, or reproaches, or complaints, or eulogies, or lamentations, and put them into the mouths of characters likely to utter them. 31. In this kind of figure it is allowable even to bring down the gods from heaven, and evoke the dead;§ and cities and states are gifted with voices. There are some, indeed, who give the name of *prosopopœiæ* only to those figures of speech in which we represent both fictitious beings and speeches, and prefer calling the feigned discourses of men διάλογοι, "dialogues;" some of the Latins have applied to them the term *sermocinatio*. 32. For my own part, I have included both, according to the received practice, under the same designation; for assuredly a speech cannot be conceived without being conceived as the speech of some person. But when we give a voice to things to which nature has not given a voice, our figure may be softened in such a way as this:‖

* C. 3. † Cic. pro Ligar. c. 4. ‡ Orat. c. 25.
§ IV. 1, 28. ‖ Cic. Catil. i. 11.

For if my country, which is far dearer to me than my life, if all Italy, if the whole republic, should thus address me, Marcus Cicero, what are you doing? &c. Another prosopopœia, in the same speech, is of a bolder nature:* *Your country, Catiline, thus pleads, and as it were tacitly addresses you: No great wickedness has arisen, for several years past, but by your means.* 33. We also pretend at times, and with good effect, that the images of things and persons are before our eyes,† and that their voices sound in our ears, and affect to wonder that the same appearances are not perceptible to our opponents or to the judges; as when we say, *It seems to me*, or, *Does it not seem to you?* But great power of eloquence is necessary for such efforts; for what is naturally fictitious and incredible must either make a stronger impression from being beyond the real, or be regarded as nugatory from being unreal.

34. But as speeches are often imagined, so also are writings. Thus Asinius Pollio suggests an imaginary will in pleading for Liburnia: *Let my mother, who was most dear to me and my greatest delight, who lived for me, and gave me life twice in the same day, &c., inherit none of my property.*‡ This is itself a figure, and is doubly so when, as in this case, it is framed in imitation of another document; 35. for a will had been read on the other side in this form, *Let Publius Novanius Gallio, to whom, as my greatest benefactor, I desire and owe everything good, and in consideration of his eminent affection towards me,* (several other particulars being also added,) *inherit all my property.* This partakes of the nature of *parody*, a term derived from the modulation of tunes in imitation of other tunes, but applied, catachrestically, to imitation in verse or prose. 36. We also frequently conceive imaginary beings, as Virgil personifies *Fame*,§ Prodicus (as is said by Xenophon,‖) *Pleasure* and *Virtue*, and Ennius *Death* and *Life*, whom he represents in one of his Satires as engaging in combat. An imaginary

* Cic. Catil. i. 7.

† *Ante oculos esse rerum, personarum, vocum imagines fingimus.*] The expression *vocum imagines esse ante oculos* may easily be turned into ridicule; but I have no doubt that it is Quintilian's; and let it, though a catachresis, be pardoned by every Aristarchus who is not unreasonably disposed to cavil. *Spalding.*

‡ This "twice" is inexplicable, as the speech is lost, and is nowhere else mentioned, as Gesner and Manutius believe. The words in the text, says Gesner, are meant to expose the folly of those who could credit that a mother so much beloved by her son was disinherited by him.

§ Æn. iv. 174 ‖ Mem. Soc. ii. 1.

speech is sometimes given, too, to a person not specified, as, "Here somebody says," or, "Somebody may say." 37. A speech may also be given without mention of any person; as,

*Hic Dolopum manus, hic sævus tendebat Achilles,**
Here lay the force of the Dolopians, here
The fierce Achilles.

This is effected by a union of figures, since to prosopopœia is added the figure of speech which is called *per detractionem*, or ellipsis, for all allusion as to *who made the speech* is omitted. The prosopopœia sometimes assumes the appearance of narration;† whence oblique speeches are found among the historians; as in the beginning of the first book of Livy, *That cities also, as well as other things, spring from humble origins, and that those which the gods and their own valour support, acquire at length great power and a great name.*

38. The diversion of our speech from the judge, also, a figure which is called *ἀποστροφή*, has an extraordinary effect, whether in attacking our adversary, as, *What was that sword of yours doing, Tubero, in the field of Pharsalia?*‡ or in digressing to make some invocation, as, *For I call upon you, O Alban hills and groves!*§ or in imploring aid, in order to throw odium on the opposite party; as, *O Porcian laws! O Sempronian laws!*‖ 39. But whatever draws away the hearer from the subject in question is called *apostrophe;* as,

Non ego cum Danais Trojanam exscindere gentem
Aulide juravi,¶
I did not swear at Aulis with the Greeks
T' uproot the Trojan race.

This is done by means of many and various figures; for example, when we feign that we expected something else, or that we feared something more considerable, or that some point may seem of greater importance to the judges, being but imperfectly informed on it, than it really is. Such is the object of the exordium of the speech for Cælius.

40. But as to the figure which, as Cicero says,** *sets things before the eyes*, it is used, when a thing is not simply mentioned

* Æn. ii. 29.

† This happens when the historian continues his narrative in such a way as to introduce, casually as it were, a person speaking, whose manner he imitates. *Turnebus.*

‡ Cicero pro Ligar. c. 3. § Pro Mil. c. 31.

‖ In Verr. v. 64. ¶ Æn. iv. 426. ** See c. 1, sect. 27

as having been done, but is mentioned with a representation how it was done, not merely in a general way, but in all its attendant circumstances. This figure I have noticed in the preceding book* under *evidentia*, or "illustration," and Celsus has given it that name; by others it is called *hypotyposis*, which means a representation of things so fully expressed in words that it seems to be seen rather than heard:† *He himself, inflamed with wickedness and fury, came into the forum; his eyes glared; cruelty showed itself over his whole countenance.* 41. Nor do we imagine only what has been done, or is done, but also what is likely to be, or might have been. Cicero gives an admirable example of this in his speech for Milo,‡ where he depicts what Clodius would have done if he had secured the prætorship. But this *transmutation of times*,§ (which is properly called μετάστασις,) was very cautiously used in hypotyposis by the old orators; for they introduced it with some such observations as these: *Imagine that you behold;* as Cicero says, *These things, which you have not seen with your eyes, you may represent to yourselves in your minds.* 42. But our modern speakers, and especially our declaimers, indulge their imaginations more boldly, and not without some animation; as Seneca, for example, in that case‖ of which the substance is that a father killed his son and his son's step-mother, having surprised them in adultery, another son of his conducting him to the place where they were; *Lead me*, the father is made to say, *I follow; take my aged hand, and direct it wherever you please.* 43. And a little afterwards the son is represented as exclaiming, *See what you have long refused to believe. As for me, I cannot see; night and the thickest darkness comes over my eyes.* Such a figure is of too bold a character; for the case does not seem to be stated, but to be acted. 44. Under hypotyposis is also included, by some writers, the luminous and vivid description of places; but others call it *topographia*.

As to εἰρωνεία, I have found some authors who call it *dissimulation*,¶ but as the whole force of this figure does not appear to be sufficiently indicated by that name, I shall content myself, as in regard to most other figures, with the Greek

* C. 3, sect. 68. † In Verr. v. 62. ‡ C. 32.

§ A transition from the present so as to give a representation of the future. *Turnebus.* ‖ This *controversia* is lost.

¶ As Cicero: see c. 1, sect. 29; also sect. 7.

term. That εἰρωνεία, then, which is called a figure, differs but little, as to kind, from that which is called a trope; for in both the contrary to what is said is to be understood; but for him who considers the various species of them, it will be easy to see that they are distinct. 45. In the first place, the trope is less disguised; and though it expresses something different from what it means, yet it can hardly be said to pretend anything different; for all that accompanies it is generally plain; as in what Cicero says of Catiline,* *Being repulsed by him, you betook yourself to your accomplice, that excellent man Marcus Marcellus.* Here the irony lies only in two words, and, therefore, it is a very short trope. 46. But in irony considered as a figure, there is a disguise of the speaker's whole meaning; a disguise rather perceptible than ostentatious; for, in the trope, some words are put for others, but, in the figure, the sense of a passage in a speech, and sometimes the whole configuration of a cause, is at variance with the air of our address; nay, even the whole life of a man may wear the appearance of a continued irony, as did that of Socrates; for he was called εἴρων because he assumed the character of an ignorant man, and affected to be the admirer of other men's wisdom. Thus, as a continued metaphor constitutes an allegory, so a continuation of *ironical tropes* forms the *figure irony.*

47. Some kinds of this figure, however, have no affinity with tropes; as, in the first place, that which has its name from negation, and which some call ἀντίφρασις:† as, *I will not proceed with you according to the rigour of the law; I will not insist upon a point which I should perhaps carry;*‡ and, *Why should I mention his decrees, his plunderings, the rights of inheritance to property resigned to him, or of which he forcibly possessed himself?* and, *I say nothing of that injury committed through lust;*§ and, *I do not even produce the evidence which has been given concerning the seven hundred thousand sesterces;* and, *I could say,* &c. 48. Such kinds of irony we carry sometimes

* In Cat. I, 8.

† A figure of thought, when we say that we do not say a thing, and yet say it at the same time. Julius Rufinianus. c. 12. See viii. 6, 57.

‡ Cicero in Verr. v. 2. But Quintilian quotes from memory, observes Gesner, for the exact words of Cicero are not given.

§ Cic Phil. ii. 25. Whence the following example comes, is unknown.

through entire divisions of a speech; thus Cicero* says, *If I were to treat this matter as if I had a charge to overthrow, I should express myself at greater length.* Irony is also used when we assume the air of persons commanding or permitting something, in such a way as this:

I, sequere Italiam ventis,†
Go with the winds, and seek your Italy.

49. Or when we allow to our adversaries qualities which we should be unwilling to see recognized in them; and this kind of irony is more cutting when those qualities are in ourselves and are not in our adversaries:

Meque timoris
Argue tu, Drance, quando tot cædis acervos
Teucrorum tua dextra dedit.‡
Me of cowardice,
Drances, do thou accuse, when thy right hand
Such heaps of slaughter'd Trojans shall have rais'd.

A similar effect is produced, though in a contrary way, when we own as it were to faults from which we are free, and which even touch our opponent:

Me duce Dardanius Spartam expugnavit adulter,§
'Twas by my guidance Troy's adulterer
Fell foul of Sparta.

50. Nor is this artifice of saying something contrary to what you wish to be understood, used only with regard to persons, but may be extended also to things, as in the whole of the exordium of the speech for Ligarius, and in those extenuations, *Videlicet, O dii boni,* "Forsooth, O good gods!" So likewise in Virgil,

Scilicet is superis labor est!‖
That, doubtless, is a trouble to the gods!

51. Another example is the well-known passage in the speech for Oppius,¶ *O wonderful love! O singular benevolence!* &c. Not very different from irony are these three modes of speaking, very similar to one another: the first, *Confession*, such as will not hurt the party who makes it; as, *You have, therefore,*

* Pro Cluent. c. 60 † Æn. iv. 381. ‡ Æn. ix. 384.
§ Æn. x. 9. They are the words of Juno to Venus
‖ Æn. iv. 3, 9. ¶ Comp. v. 13, 30. The speech is lost.

Tubero, what is most to be desired by an accuser, a confession from the accused ; * the second, *Concession*, when we make a show of admitting something unfavourable to us, through confidence in our cause ; as *The captain of a ship, from a most honourable city, redeemed himself from the terror of a scourging by paying a sum of money ; it was kind in Verres to allow it ;*† and, as it is said, in the speech for Cluentius,‡ concerning popular feeling : *Let it prevail in assemblies of the people, but let it have no influence in courts of justice ;* the third, *Acknowledgment*, as Cicero, in the same speech,§ acknowledges that *the judges had been bribed.* 52. The last of these figures is more observable, when we assent to something that is likely to prove in our favour, but which nevertheless will not be so without some error on the part of our adversary. Faults, too, that have been committed by a person whom we accuse, we sometimes affect to praise ; as Cicero, in pleading against Verres‖ says of the charge brought against him about Apollonius of Drepanum, *If you took anything from him, I am even delighted at it, and think that nothing better was ever done by you* 53. Sometimes also we exaggerate charges against ourselves, when we might either refute or deny them ; a practice which is too frequent to render an example of it necessary. Sometimes, again, by such exaggeration, we render charges against us incredible ; as Cicero, in his oration for Roscius,¶ speaking of the enormity of parricide, which is sufficiently manifest of itself, nevertheless exaggerates it by the power of his eloquence.

54. The figure ἀποσιώπησις, which Cicero** calls *reticentia*, Celsus *obticentia*, and some authors *interruptio*, is used in testifying something of passion or anger ; as,

> *Quos ego—sed motos præstat comp nere fluctus,*††
> Whom I—but better 'tis to tranquillize
> The troubled waves ;

or anxiety and conscientious hesitation ; as, *Would he have dared to make mention of the law of which Clodius boasts that he was the author, while Milo lived. I will not say while he was consul ? for, with regard to all of us,—I cannot venture*

* Cic. pro Ligar. c. 1.
† In Verr. v. 44. See viii. 4, 19.
‡ C. 2.
§ C. 23.
‖ IV. 17.
¶ C. 22.
** See c. 1, sect. 31.
†† Æn. i. 135.

*to say everything,** &c; a passage to which there is something similar in the exordium of the speech of Demosthenes for Ctesiphon;† 55. Or it may be adopted for the purpose of making a transition; as, *Cominius*‡ *however—but pardon me, judges*, &c., where the figure *digression* also follows, (if indeed digression ought to be reckoned among figures, for by some it is considered as one of the divisions of a cause,§) and the speech goes off into the praises of Pompey, who might, however, have been praised without recourse being had to *aposiopesis*. 56. As to the shorter kind of digression, it may be made, as Cicero‖ says, in various ways; but the two following instances will suffice as examples: *When Caius Varenus,*¶ *he who was killed by the slaves of Ancharius, (to this point, judges, pay, I beseech you, the most careful attention,)* &c.; and, in the speech for Milo,** *He regarded me with that sort of look which he was accustomed to assume when he threatened everybody with every kind of violence*, &c. 57. There is also a kind of *self-interruption*, which is not indeed an aposiopesis, so as to leave a speech unfinished, but a suspension of what we are saying before we come to the natural termination of it, as, *I am too urgent, the young man seems to be moved;* and, *Why should I say more? you have heard the young man himself speak.*††

58. The imitation of other persons' manners, which is called ἠθοποιΐα.‡‡ or, as others prefer, μίμησις, may be numbered among the lighter artifices for touching the feelings; for it consists mostly in mimicry; but it may be exhibited either in *acts* or in *words*. That which consists in acts is similar to ὑποτύπωσις:§§ of that which consists in words we may take the following example from Terence:‖‖

* This appears, says Gesner, to be a passage from the speech which Cicero actually spoke in behalf of Milo. Comp. iii. 6, 93.

† Ἀλλ' ἐμοὶ μὲν—οὐ βούλομαι δὲ δυσχερὲς εἰπεῖν οὐδέν. Comp. Aquil. Roman. c. 5, also Quint. ix. 3, 60. *Spalding.*

‡ This name shows that the quotation is from one of the speeches of Cicero for Cornelius; for the brothers Cominii had accused Cornelius of treason, when Cicero defended him. Comp. iv. 3, 13.

§ See b. iv. c. 3. ‖ See c. 1, sect 28.

¶ IV. 1, 74. ** C. 12.

†† Whence this example is taken, I know not. *Spalding.*

‡‡ Comp. iii. 8, 51; ix. 1, 32. §§ See sect. 40. ‖‖ Eun. i. 2, 75.

At ego nescibam quorsum tu ires. Parvula
Hinc est abrepta: eduxit mater pro suâ:
Soror dicta est. Cupio abducere ut eddam suis.

I did not know, forsooth, what was your drift.
A little girl was stolen from hence; my mother
Brought her up as her own; and she was call'd
My sister; I would fain lay hands on her,
To give her to her friends.

59. But an imitation of our own sayings and doings is sometimes adopted *in narration*, and is of a similar character, except that it is more frequently intended for asseveration than mere mimicry; as, *I said that they had for accuser Quintus Cæcilius.**

There are other artifices, too, which are not only pleasing, but are of great service in securing favourable attention to our arguments, as well by the variety which they give, as by their own nature; for, by making our speech appear plain and unstudied, they render us objects of less suspicion to the judge 60. One of these is a *repenting*, as it were, of what we have said, as in the speech for Cælius,† *But why did I introduce so grave a character?* Of a similar nature, also, are the expressions which we daily use, such as, *Imprudens incidi*,‡ "I have hit upon the matter unawares;" or as we say when we pretend to be at a loss, *What comes next?* or, *Have not I omitted something?* or when we pretend to find something suggested to us by the matter of which we are speaking; thus Cicero says, *One charge of this sort remains for me to notice*, and, *One thing is suggested to me by another.* 61. By such means, likewise, graceful transitions are effected; (though transition itself, be it observed, is not a figure;) as Cicero, after relating the story of Piso, who had given orders, while he was sitting on his judgment-seat, for a ring to be made for him by a goldsmith, adds, as if reminded by the circumstance,§ *This ring of Piso has just put me in mind of something that had entirely escaped me. From how many honest men's fingers do you think that he has taken away gold rings?* &c. Sometimes we affect ignorance of some particular,‖ *But the artificer of those statues, whom did they say that he was? whom? You prompt me correctly—they said that it was Polycletus.* 62

* Cicero Divin. in Cæcil. c. 2.
† C. 15.
‡ Cic. in Verr. iv. 20.
§ Cic. in Verr. iv. 26.
‖ Cic. in Verr. iv. 3.

This kind of artifice may serve for more purposes than one; for, by such means, we may, while we seem to be intent on one object, accomplish another; as Cicero, in the present instance, while he reproaches Verres with his inordinate rage for statues and pictures, secures himself from being thought to have a passion for them likewise. Demosthenes,* also, in swearing by those who were killed at Marathon and Salamis, makes it his object that he may suffer less odium for the disaster incurred at Chæronea. 63. It gives agreeableness to a speech, moreover, to *defer* the discussion of some points, laying them up as it were in the memory of the judge, and afterwards to *reclaim* what we have deposited, to *separate*† certain particulars by some figure, (for separation is not itself a figure,) to *bring* others *prominently forward*, and to exhibit the subjects of our speech under various aspects; for eloquence delights in variety; and as the eyes are more attracted by the contemplation of diversified objects, so that is always more gratifying to the mind to which it directs itself with the expectation of novelty.

64. Among figures is also to be numbered *emphasis*, which is used when some latent sense is to be elicited from some word or phrase; as, in this passage of Virgil,

> *Non licuit thalami expertem sine crimine vitam*
> *Degere, more feræ?*‡
>
> Might not I have lived
> Free from the nuptial couch, without a crime,
> Free, like the savage herd?

for though Dido complains of marriage, yet her passion forces us to understand that she thinks life without marriage to be a life not for human beings, but for beasts. There is another example of it, but of a different character, in Ovid, where Zmyrna confesses to her nurse her passion for her father, in these words:

> —— *O, dixit, felicem conjuge matrem!*§
>
> O mother, happy in her spouse! she cried.

* De Coron. c. 60.

† Separare *quodam schemate aliquo* (*non enim est ipsa per se iteratio schema*), &c.] As *separare* and *iteratio* are inconsistent, Spalding proposes for *separare* to read *bis ponere*, but acknowledges that it scarcely suits the style of Quintilian. I have followed Aldus in reading *separatio* instead of *iteratio*.

‡ Æn. iv. 450.

§ Metam. x. 422. The name in Ovid is Myrrha.

65. Similar to this figure, or identical with it, is one o which we make great use in the present day; for I must now proceed to treat of a sort of figure which is extremely common, and on which I believe it is earnestly expected that I should make some observations; a figure in which we intimate, by some suspicion that we excite, that something is to be understood which we do not express; not however something contrary to what we express, as in the εἰρωνεία, but something latent, and to be discovered by the penetration of the hearer. This, as I mentioned above,* is almost the only mode of expression that is called, among our rhetoricians, a *figure;* and it is from the frequent use of it that certain pleadings have the name of *figurative.* 66. It may be adopted for one of three reasons; first, if it is unsafe to speak plainly; secondly, if it is unbecoming to do so; and, thirdly, if recourse is had to the figure merely for the purpose of ornament, and of giving more pleasure, through novelty and variety, than would be felt if a straightforward narration were offered.

67. Of these three cases, the first is of common occurrence in the schools; when conditions made by tyrants laying down their power, and decrees of senates after a civil war, are imagined, and it is a capital crime to reproach a person with what is past; and what is not allowable in the forum, is considered not to be admissible in the schools. But, in reality, the declaimer has not the same need for figures as the orator; for he may speak as plainly as he pleases against those tyrants, provided that what he says be susceptible of another interpretation, since it is danger only to himself, and not offence to them, that he has to avoid; and if he can escape all hazard through ambiguity of language, every one will applaud his address. 68. But real pleadings have never been attended with such necessity for silence, though they sometimes require caution almost equal to it, and, indeed, are much more embarrassing to the orator; I mean when persons in power oppose him, without offence to whom his cause cannot be gained. 69. Hence he must proceed with greater care and circumspection; for, if he offend, it makes no difference how the offence is given, whether in a figure or otherwise; and if a figure betrays itself, it ceases to be a figure. Accord-

* Sec c. 1, sect. 14. Of this sort of figure Dionysius of Halicarnassus treats copiously de Arte Rhetoricâ, c. 8, 9. *Spalding.*

ingly all this sort of artifice is rejected by some rhetoricians, whether it be understood or not understood. But it is possible to be moderate in the use of such figures.

In the first place, we may take care that they be not too palpable; and they will not be so, if they are not formed of words of doubtful or double meaning; like the equivocation in regard to the daughter-in-law suspected of a criminal connexion with her father-in-law, *I married a wife*, said her husband, *that pleased my father;* 70. or what is much more foolish, of ambiguous arrangements of words, of which there is an example in the case in which a father, accused of having dishonoured his virgin daughter, asks her at whose hands she had suffered violence: *who*, says he, *ill-treated you*? when she replies, *My father, do not you know?** 71. Let the matter itself lead the judge to a suspicion of the truth; and let us set aside other points, that it may appear the more evident; to which end displays of feeling will greatly contribute, and words interrupted by silence and hesitation. Thus it will happen, that the judge himself will seek for the latent *something*, which he perhaps would not believe if he heard it stated plainly, but to which he will give credit when he thinks that he has himself divined it.

72. Figures, however, even if they be of the highest possible excellence, ought not to be numerous, for they betray themselves by multiplicity; and, while they are not less objectionable, are less effective. Our forbearance to speak plainly appears then to proceed, not from modesty, but from distrust of our cause; in a word, the judge puts most trust in our figures when he thinks that we are unwilling to express ourselves undisguisedly. 73. I have, indeed, met with persons who could not be gained but by such artifice; and I was once concerned in a cause (a thing of less frequent occurrence) in which it was absolutely required. I defended a woman who was accused of having produced a forged will as that of her husband; and the heirs named in it were said to have given a bond to the husband as he was at the point of death,† and the latter allegation was true; for, as the wife could not be made

* The Latin is, *Tu, pater, nescis?* which, as Spalding remarks, might be pronounced *Tu, pater, Necis?*

† A bond, namely, that they would make over the property to the woman.

his heir by law,* that expedient had been devised in order that the property might pass into her hands by a secret conveyance in trust. 74. To defend the woman against the main charge was easy, even if we had stated the matter boldly; but the inheritance would thus have been lost to the woman. I had to manage the matter, therefore, in such a way that the judges might understand what had been done, and yet that the informers† might be unable to take advantage of anything that was said; and I was successful in both objects. This affair I should not have mentioned, through fear of the imputation of vanity, had I not wished to show that there may be use for such figures, even in the forum. 75. Some things, too, which we cannot prove, may advantageously be here and there insinuated by a figure; for a hidden dart sometimes sticks fast, and cannot be extracted for the very reason that it is hidden; while, if you state the same things plainly, they will be contradicted, and you will have to prove them.

76. But when *respect for a person* stands in our way, (which I mentioned as the second case,‡) we must speak with still more caution, as respect is a stronger restraint on the ingenuous than fear. In such a case, the judge must think that we hide what we know, and that we check our words when bursting from us under the force of truth; for how much less will those, against whom we speak, or the judges, or the audience, dislike our figurative mode of attack, if they think that we wish§ to say what we are saying? 77. Or what difference does it make how we speak, if what we express, and our feeling, be understood? Or what do we gain by speaking thus, but to make it evident that we are doing what we feel should not be done?‖ Yet those times, in which I first

* She seems to have been barren, or childless, as is supposed by Perizonius in his Dissertatio de Lege Voconiâ, p. 144 ed. Heinecc. Halæ Magd. 1722. *Spalding.*

† *Delatores.*] The word seems here to be used in its proper sense, as the case had regard to the treasury, into which the property ought *deferri*, to be carried. *Spalding*

‡ See sect. 66. Compare also vi. 3, 33.

§ *Si velle nos credant.*] When we appear *willing* to attack a respectable character, our speaking in a figure will not lessen the unfavourable feeling which our audience will conceive towards us. Aldus reads *nolle*, on the conjecture of Regius, and other editors have followed him. *Spalding.*

‖ We are offending a person whom we are unwilling to offend.

began to teach rhetoric, suffered excessively from this fault; for the declaimers spoke, at least willingly, only on such causes as were attractive from their apparent difficulty, though they were, in reality, much easier than many others. 78. A straightforward kind of eloquence cannot recommend itself but with the aid of the strongest power of mind; while doublings and turnings are the resources of weakness: as those who are but poor runners endeavour to elude their pursuers by winding about. That figurative sort of oratory, which is so much affected, is not very different from jesting; and it is an assistance to it that the auditor delights to understand what is insinuated, applauds his own penetration, and plumes himself on another's eloquence. 79. Hence declaimers had recourse to figures, not only when respect for some person was a hindrance to plainness of speech, (in which case there is oftener need of caution than of figures,) but made a place for them even when they were useless or pernicious. Thus a father, who had secretly put to death his son, as being guilty of a criminal connexion with his mother, and who was accused by his wife of having ill-treated her,* would be made to throw out oblique insinuations, in figures, against his wife. 80. But what could have been more scandalous in a man than to have retained such a wife? or what could be more absurd,† than that he, who was brought under accusation because he had suspected his wife of the most detestable guilt, should, by the nature of his defence, confirm the guilt, which he ought to have set himself to disprove?‡ Had those declaimers conceived themselves in the place of the judges, they would have perceived how little they would have endured pleading of such a kind; and much less when abominable charges were thrown out against parents.§

* This is the subject of the xvi ith and xixth of the Declamations that go under the name of Quintilian.

† *Contrarium.*] Contrary to the interest of the cause. Comp. sect 37.

‡ As the husband is accused of ill-treating his wife, he ought rather to endeavour to clear her character; for, if he throws out insinuations against it, he excites a suspicion that there is ground for the charge against him. *Turnebus.*

§ *Multoque etiam minùs cæum in parentes abominanda crimina spargerentur.*] It may be questioned whether these words refer to the case of which Quintilian has just been speaking, or were intended as a

81. Since we have fallen upon this subject, let us bestow a little more consideration on the schools; for it is in them that the orator is brought up; and on the manner in which he declaims depends the manner in which he will plead. I must speak, therefore, concerning those declamations, in which most teachers have introduced, I do not say harsh figures, but such as are contrary to the spirit of the cause. One case, for example, is this: *Let it be the law that a person who is found guilty of aspiring to tyranny be put to the torture, to compel him to name his accomplices; and that his accuser be allowed to choose whatever recompense he pleases: A son, who had established such an accusation against his father, desires that his father may not be put to the torture; the father opposes his desire.* 82. No declaimer, when pleading on behalf of the father, has restrained himself from throwing out insinuations, in figurative expressions,* against the son, intimating that the father, if put to the torture, will name him among his accomplices. But what is more preposterous than such a course? for when the judges understand the insinuations, the father will either not be put to the torture, (if such be his reason for wishing to be put to it,) or, if he is put to it, he will not be believed. 83. But, it may be said, it is probable that his object was to implicate his son; perhaps so; but he should then have disguised it in order to succeed in it. *But what will it profit us* (I speak in the person of the declaimers) *to have discovered that object, unless we make it known?* If, then, a real cause of the kind were pleaded, should we, in such a manner, bring to light that concealed object? Or what if such is not the real object? The guilty father may have other reasons for opposing the desire of his son; he may think that the law should be observed; or he may be unwilling to owe a favour to his accuser; or (what I should think most probable) he may be resolved to assert his own innocence under the torture. 84. To those, therefore, who plead in

general remark on the practice of the schools, where such attacks on parents were allowed, and even often made. See vii. 4, 28. Certainly it is not apparent how, or by whom, both parents could be accused in the case mentioned in the text. *Spalding.*

* *Nemo se tenuit agens pro patre, quin figuras in filium faceret.*] By *figures*, in this passage, are meant malignant allusions directed against the son; as Suetonius, Vespas. c. 13, has *causidicorum figuras* for crafty insinuations and sarcasms. *Capperonier.*

such a way, not even the common excuse, that *He who invented the case intended that mode of defence*, will be any support; for perhaps the inventor intended no such thing; but suppose that he did intend it, are we, if he judged foolishly, for that reason to plead foolishly? For my own part, I think that in pleading even real causes, we should frequently pay no attention to what the party going to law wishes

85. It is also a common mistake in declaimers in this kind of cases, to suppose that certain characters* say one thing and mean another. A remarkable example of this occurs in the case of the man who petitions for leave to put himself to death:† *A man who had given proofs of bravery on previous occasions, and had, in a subsequent war, demanded to be exempted from service according to the law, because he was fifty years of age, but, being opposed by his son, had been compelled to take the field, deserted: his son, who distinguished himself by his valour in that war, demands, in his right of option,‡ his father's life: the father opposes the demand.* Here, say the declaimers, the father does not really wish to die, but merely to throw odium on his son. 86. For myself, I laugh at the fear which they manifest on his account, speaking as if they themselves were in danger of death, and carrying their terrors into their counsels, forgetful of the multitudes of instances of voluntary deaths, and of the reason which a man who was once brave, and has become a deserter, may have for putting an end to his life. 87. But to particularize all that would be against a cause § in any one instance would be useless. I think that, in general, it is no business of a pleader to prevaricate,‖ and I can form no conception of a cause in which both parties have the same object in view; nor can I imagine a man so foolish, that, when he wishes to save his life, he would rather ask for death absurdly, than forbear to ask for it at all. 88. I do not, however, deny that there are

* Certain characters mentioned in the subjects for declamation.

† See vii. 4, 39. ‡ See v. 10, 97.

§ *Contrarium.*] Rationem dicendi, quæ causæ ipsi noceat. Comp. v. 13, 16; vii. 10, 8. *Spalding.* See also sect. 80.

‖ *Prævaricari.*] By this word Quintilian means all deviation from honesty of purpose in pleading; and perhaps alludes to similarity of object in the accuser and defendant; for, in this case, the son entreats that his father's life may be spared; and the father makes the same entreaty, as far as intention is concerned. *Turnebus.*

causes in which figures of this kind may have a place; such, for instance, as the following; *A young man accused of murder, as having killed his brother, seemed likely to be found guilty; but his father stated in his evidence that the son had committed the murder by his order: yet, when the son was acquitted, the father disinherited him.* In this case, the father does not pardon his son entirely, yet he cannot openly retract what he asserted in his evidence at first, and, though he does not extend his severity beyond the punishment of disinheritance, yet he does not hesitate to disinherit him; and figurative insinuation has besides more effect on the side of the father, and less on that of the son, than it ought fairly to have.*

89. A person, again, may not speak contrary to what he wishes, yet he may wish something of more importance than what he says; as *the disinherited son, who petitions his father to take back another son whom he had exposed, and who had been brought up by himself, on paying for his maintenance*, would perhaps prefer that he himself should be reinstated in his rights, yet he may be thought sincere in desiring what he asks.

90. There is also a sort of tacit insinuation, which we adopt when rigid justice on our adversary is demanded by us from the judge, and yet some hope of mercy is intimated; not indeed openly, lest we should appear to make a promise, but so as to afford some plausible suspicion of our intent. Examples of this may be seen in many cases in the schools, and especially

* *Et alioqui figura in patre plus facit quàm licet, in filio minus.*] The meaning of these words is by no means clear, and Gedoyn has for that reason not translated them. Capperonier and Gesner attempt to interpret them. *Spalding.* Gesner's interpretation is to this effect: "With respect to the father, the figurative insinuation proves too much; for if the son, as is intimated, killed his brother of his own mere motion, why does the father do nothing more than disinherit him? With regard to the son, it proves too little; for if, as is represented, he is innocent of the murder, why is he disinherited?" Capperonier's explanation is of this nature: "If the father justifies himself for disinheriting his son, he intimates that the son killed his brother without his father's order; if the son merely pleads that he may not be disinherited, he makes the father guilty of no crime, when he might insinuate that he himself did nothing but by the order of his father." This attempt at explanation is less satisfactory than Gesner's. *Alioqui*, says Spalding, is for *insuper, præter reliqua, quibus hanc declamationem defenderat, argumentis.*

in the following: *Let there be a law that he who has dishonoured a virgin is to be put to death, unless he obtains pardon from the father of the virgin, as well as from his own father, within thirty days after the commission of the crime: A man who has dishonoured a virgin, after obtaining the forgiveness of her father, cannot obtain that of his own, and charges him with being insane.* 91. In this case, should the father promise forgiveness, the process is at an end; should he give no hope of it, he would be thought, though not mad, yet certainly cruel, and alienate the feelings of the judge. Porcius Latro, accordingly, with great judgment, made the son say, *Will you kill me then, my father?* and the father reply, *Yes, if I shall be able.** The elder Gallio made the father express himself more relentingly, and more in accordance with his own disposition. *Be resolute, my soul, be resolute; yesterday thou wast more determined.* 92. Similar to this sort of figures are those so much celebrated among the Greeks, by which they give a softer signification to that which would appear harsh. Thus Themistocles is thought to have persuaded the Athenians *to commit their city to the care of the gods*,† because it would have been offensive to them to say *abandon it.* He, also, who recommended that some golden statues of Victory should be melted down for the expenses of a war, brought forward his proposal in this form, that *they should make a proper use of their victories.*‡ All that belongs to allegory is of a similar nature, and consists in saying one thing, and intimating that another is to be understood.

93. It is also a matter of consideration how we ought *to reply* to figures. Some rhetoricians have been of opinion that they should always be laid open by the opposite party, as morbid matter is cut out of the human body. This, indeed, should be the course most frequently adopted; for otherwise the objections contained in them cannot be overthrown

* We shall hardly discover what figure there is in this passage, as the declamations of Porcius Latro are lost. *Turnebus.*

† Plutarch, Life of Themistocles.

‡ Demetrius de Eloc. sect. 281, cited by Vossius Orat iv. p. 187. Who it was that said this, is unknown. *Spalding.* Of a similar nature was the remark of Duke Christian of Brunswick, who, having ordered some silver statuettes of the apostles, which he had found at Paderborn, to be coined into money, observed that *the apostles were ordered by their Master to go through the world.* Gesner.

especially when the matter in question lies in the very point at which the figures aim. But when they are mere vehicles of invective, it is sometimes a mark of good judgment to affect not to understand them. 94. If such figures, however, be too numerous to allow us to avoid noticing them, we must call upon our opponents to state plainly, if they have confidence enough in their cause, the charge, whatever it may be, that they are endeavouring to intimate in ambiguous expressions. or to forbear at least from expecting that the judge will not only comprehend, but even believe, that which they themselves will not venture to express intelligibly 95. It is sometimes of great effect, too, to pretend not to understand that a figure is a figure; as in the case of him, (the story is well known,)* who, when he had been addressed by the advocate of his opponent in the words, *Swear by the ashes of your patron*, replied that *he was quite ready to do so;* and the judge gravely accepted his proposal, though the advocate made great opposition, and said that the use of figures would thus be utterly abolished. It is, consequently, a necessary precept that we must not use figures of that kind rashly.

96. There is a third† kind of figure in which the object sought is to add grace to style; and which Cicero,‡ therefore, considers as not falling on the point in question between the parties. Such is the remark which Cicero himself directs against Clodius :§ *By which means he, who was well acquainted with all our sacrifices, thought that the gods might easily be propitiated in his favour.* 97. Irony is very common in observations of this nature. But the far greatest proof of art is given when one thing is intimated through another. Thus a person engaged in a suit against a tyrant who had laid down

* It is mentioned by Seneca the father, Controv. iii. præf., and Suetonius de Clar. Rhet. sub fin. But as the reading, in those authors, is *per patris cineres*, instead of *patroni cineres*. Spalding very justly supposes that it should be the same in Quintilian.

† See sect. 66, 76.

‡ To what passage of Cicero Quintilian refers, other commentators have thought themselves excused from attempting to specify, and I can fix upon none except De Orat. iii. 53, quoted by Quintilian in c. 1, sect. 29. *Spalding.*

§ As I do not find these words in the extant writings of Cicero, I conclude that they were a portion of his speech against Clodius and Curio, now lost. Profanation of the rites of the *Bona Dea* is evidently signified. *Spalding.*

his power on condition of an amnesty, said to him, *It is not lawful for me to speak against you, but do you speak against me; and you can; for I very lately had conceived the intention of killing you.** 98. It is also a common practice, though not much deserving of imitation, to employ an oath by way of figure. Thus an advocate, speaking in behalf of a son who had been disinherited, exclaimed, *So may it be my fate to die, having a son for my heir!*† To swear at all, except when it is absolutely necessary, is by no means becoming in a man of sense; and it was happily said by Seneca, that *to swear is the business, not of pleaders, but of witnesses.*‡ Nor does he, indeed, who swears for the sake of a little oratorical flourish, deserve attention. To swear as well as Demosthenes, to whom I alluded a little above, is a very different matter.

99. By far the most trivial sort of figure is that which consists in a play upon a single word, though an example of it is to be found in a remark of Cicero§ on Clodia: *Præsertim quum omnes amicam omnium potiùs quam cujusquam inimicam putaverunt;* "Especially when everybody thought her rather the friend of all men than the enemy of any man."

100. As to *comparison*, I conceive, for my own part, that it is not to be numbered among figures, as it is sometimes a sort of proof,‖ and sometimes the foundation of a cause;¶ and as the form of it is such as it appears in Cicero's speech for Muræna:** *You watch by night, that you may give answers to your clients; he, that he may arrive early at the place to which he is marching; the crowing of cocks awakes you, and the sound of trumpets rouses him*, &c. 101. I am not sure whether it be not a verbal figure rather than a figure of thought; the only difference being, that generals are not opposed to generals, but particulars to particulars. Celsus, however, and Visellius,†† no negligent author,

* Intimating that he thought him deserving of death.

† The advocate signifies by this exclamation that to disinherit a son was culpable and unnatural. By wishing to have a son for his heir, he expresses his detestation of renouncing a son. *Turnebus.*

‡ Nicolas Faber, in his Preface to Seneca, supposes that this saying is extracted from some of Seneca's precepts on eloquence, now lost. *Burmann.*

§ Cicero pro Cæl. c. 13.

‖ See v. 11, 32.

¶ See note on iii. 6, 23.

** C. 9.

†† I do not know that there is any allusion to him to be found elsewhere than in Quintilian; see sect. 107; and c. 3, sect. 89. To attempt

have placed it among figures of thought; while Rutilius Lupus puts it under both kinds of figures, and calls it *antithesis*.

102. But in addition to the figures which Cicero calls *illuminations* of thought, the same Rutilius, following Gorgias, (not the Leontine, but another who was his contemporary, and whose four books he has condensed into one of his own.) and Celsus, following Rutilius, enumerate many others; 103. as *consummatio*, "comprehension," which Gorgias calls διαλλαγή, when several arguments are brought to establish one point; *consequens*, "consequence," which he calls ἐπακολούθησις, and of which we have spoken* under the head of arguments; *collectio*, "collection," which with him is συλλογισμός: *threatening*, which he calls κατάπληξις, and *exhortation*, παραινετικόν. But every one of these is delivered in plain and simple language, unless when it attaches to itself some one of the figures of which we have been speaking. 104. Yet, besides these, Celsus thinks that *to except*, *to assert*, *to refuse*, *to excite the judge*, *to use proverbs*, or *verses*, or *jests*, or *invectives*, or *invocations*, *to aggravate a charge*, (which is the same as δείνωσις,) *to flatter*, *to pardon*, *to express disdain*, *to admonish*, *to apologize*, *to entreat*, *to reprove*, are figures. 105. He has the same opinion, too, regarding *partition*, and *proposition*, and *distinction*, and *affinity between two things*, that is, the demonstration that things which appear to be different may establish the same fact; for example, that not he only is a poisoner who has destroyed a man's life by giving him a potion, but he also who has destroyed his understanding; a point which depends on definition. 106. To these Rutilius, or Gorgias, adds ἀναγκαῖον, "the representation of the necessity of a thing," ἀνάμνησις, "reminding," or "recapitulation," ἀνθυποφορά, "replying to anticipated objections," ἀντιλῆψις, "refutation of the objections of our adversary," παραύξησις, "amplification," προέκθεσις, which is "to state what ought to have been done, and then what has been done," ἐναντιότης, "proof from the admissions of the opposite party," (from whence come enythymenes κατ' ἀντίασιν.) and μετάληψις.† which Hermagoras considers as a *state*.‡ 107. Visellius,§ though he makes very few figures,

to identify him with any of the Visellii mentioned in Cicero, Horace, Valerius Maximus, and Tacitus, would be vain. *Spalding.*

* V. 13, 1.
† See viii. 6, 38.
‡ III. 6, 46.
§ Sect. 101.

reckons among them the ἐνθύμημα, which he calls *commentum*, "conception," and the ἐπιχείρημα, which he calls *ratio*, "reason." This Celsus in some degree admits, for he doubts whether *consequence* is not the same as the epicheirema. Visellius adds also *sententia*. I find some, too, who add to these what the Greeks call διασκευή, "circumstantiality," "ἀπαγόρευσις, "prohibition," παραδιήγησις, "extraneous confirmation;" but though these are not regarded as figures, yet there may perhaps be others that have escaped me; or even fresh ones might still be made, though they would be of the same nature as those of which I have spoken.

CHAPTER III.

Of verbal figures; are either grammatical or rhetorical, lying either in the words themselves or in the collocation of them, § 1, 2. Use and prevalence of figures, 3–5. Figures in gender of nouns, 6. In verbs, 7. In number, 8. One part of speech put for another, 9, 10. Change in tenses and other particulars, 11—13. Some figures sanctioned by antiquity, 14—16. Some derived from the Greek, 17. Some formed by addition or retrenchment, 18. Changes in degrees of comparison, 19. Other changes, 20, 21. Pare thesis and apostrophe, 22–26. Effect of figures on the hearer, 27. Emphatical repetition of words, 28—34. Epanodos or regression, 35, 36. Polyptoton and metabole, 37—40. Ploce; artful reiteration of words, 41—44. Employment of several words nearly in the same sense, 45. Pleonasm, 46, 47. Accumulation of different words and phrases, 48, 49. Asyndeton and polysyndeton, 50—54. Climax, 55–57. Of figures formed by retrenchment of words; words left to be understood from the context, 58—61. Synezeugmenon, 62—64. Paradiastole, 65. Paronomasia, various examples of it, 66—74. Parison, homœoteleuton, homœoptoton, isocolon, 75—80. Antitheton, 81—86. Some writers too much devoted to multiplying and distinguishing figures; examples, 87—99. An orator should employ figures moderately and judiciously, 100—102.

1. As to *verbal figures*, they have been perpetually subject to change, and continue to be changed as custom exerts its influence. When, accordingly, we compare the language of our forefathers with our own, we are led to regard almost every phrase that we use as figurative; for instance we say,

hac re invidere,* "to grudge this thing," not as the ancients said, and Cicero in particular, *hanc rem; incumbere illi*, "to lean upon him," not *in illum; plenum vino*, "full of wine," not *vini; huic adulari*, "to flatter a person," not *hunc;* and a thousand other examples might be given. I wish that the worse may not have prevailed over the better.

2. However this may be, verbal figures are of two kinds; one, as they say, lies in the formation of phrases; the other is to be sought chiefly in the collocation of them; and though both kinds equally concern the art of oratory, yet we may call the one rather *grammatical* and the other *rhetorical*.

The first sort arises from the same source as solecisms; for a figure of speech would be a solecism, if it were not intentional, but accidental.† 3. But figures are commonly supported by authority, antiquity, custom, and sometimes by some special reason. Hence a variation from plain and direct phraseology is a beauty, if it has something plausible on which it models itself. In one respect figures are of great service, by relieving the wearisomeness arising from ordinary and uniform language, and raising us above mere common place forms of expression. 4. If a speaker use them moderately, and as his subject requires, his style will be more agreeable, as with a certain seasoning sprinkled over it; but he who affects them too much, will miss the very charm of variety at which he aims. There are, however, some figures so common, that they have almost lost their name, and consequently, however often they are used, they produce but little effect upon ears accustomed to them. 5. As to such as are less usual, and remote from everyday language, and for that reason more elevated, though they produce excitement by their novelty, they cause satiety if they are lavished in profusion, and show that they did not present themselves to the speaker, but were sought by him, and dragged forth and collected from every place where they were concealed.

6. Figures, then, may occur, with regard to nouns, in their gender; for example, the phrases *oculis capti talpæ*, "blind

* From several passages of Pliny the Younger, as well as from Pliny the Elder, viii. 22, Lucan. vii. 798, Tacit Ann. i. 22, it appears that the more recent writers preferred using the ablative where Cicero and the older authors had always used the accusative. *Spalding.*

† See i. 5, 53.

moles," and *timidi damæ*, "timid deer," are used by Virgil; but not without reason, as both genders are signified under one, and it is certain that there are male *talpæ* and *damæ* as well as female.* Figures may also affect verbs, as *fabricatus est gladium*,† "he fabricated a sword," *punitus est inimicum*,‡ "he punished his enemy." 7. This is the less surprising, as it is not uncommon with us, in the use of verbs, to express what we *do* by a *passive* form, as *arbitror*, "I think," *suspicor*, "I suspect," and, on the other hand, to signify what we *suffer* by an *active* form, as *vapulo*, "I am beaten;" and hence there are frequent interchanges of the two, and many things are expressed in either form: as *luxuriatur*, *luxuriat*, "luxuriates," *fluctuatur*, *fluctuat*, "fluctuates," *assentior*, *assentio*, "I assent." 8. There may be also a figure in number, either when the plural is joined with the singular, as, *Gladio pugnacissimi gens Romani*, "The Romans are a nation that fight vigorously with the sword," *gens* being a noun of multitude; or when a singular is attached to a plural, as,

Qui non risêre parentes,
Nec deus hunc mensâ, dea nec dignata cubili est,§

"Those who have not smiled on their parents, neither has a god honoured him with his table, nor a goddess with her couch," that is, *among those who have not smiled, is he whom a god has not honoured*, &c. 9. In a satire of Persius‖ we have,

Et nostrum istud vivere triste
Aspexi,

"And I saw that sad *to live* of ours," where he has used an infinitive mood for a substantive, for he intends *nostram vitam* to be understood. We also sometimes use a verb for a participle, as,

Magnum dat ferre talentum,¶

"He gives a great talent *to carry*," *ferre* for *ferendum;* and a participle for a verb, as *Volo datum*, "I wish given," for *Volo dari*, "I wish to be given." 10. Sometimes it may even be

* Virg. Georg. i. 183; Ecl viii. 28.
† Cicero pro Rabir. Post. c. 3. ‡ Cicero pro Mil. c. 13.
§ Virg. Ecl. iv. 62. The general reading is, *Cui non risêre*, &c.
‖ Sat. i. 8. ¶ Æn v. 248.

doubted on what solecism a figure borders, as in this expression,

*Virtus est vitium fugere,**

"To flee vice is virtue," for the author either interchanges parts of speech, for *Virtus est fuga vitiorum*, "Virtue is the avoidance of vices," or alters a case, for *Virtutis est vitium fugere*, "It is the part of virtue to avoid vice;" but the form which he himself adopts is much more spirited than either of the others. Sometimes two or more figures are used together, as *Sthenelus sciens pugnæ*,† "Sthenelus skilful in fight," for *Scitus Sthenelus pugnandi*. 11. One tense, too, is sometimes put for another, as *Timarchides negat esse ei periculum à securi*,‡ "Timarchides says that he is in no danger of being beheaded," the present being put for the preterperfect. And one mood for another, as,

Hoc Ithacus velit,§
This Ithacus would wish,

velit being for *vult*. Not to dwell upon the matter, a figure may appear in as many forms as a solecism. 12. One which I may particularly notice, is that which the Greeks call ἑτέρωσις, to which what they term ἐξαλλαγή is not very dissimilar. There is an example in Sallust,‖ *Neque ea res falsum me habuit*, "Nor have my anticipations deceived me," and another *Duci probare*.¶ In such figures brevity, as well as novelty, is generally an object. Hence the same author has proceeded so far as to say *non pœniturum*, "not about to repent," for *non acturum pœnitentiam;* and *visuros*, "about to see," for *ad videndum missos* 13. These expressions he must have considered as figures; whether they can now be called by that name, may be a question; for they are received into common use, and we are content with what is received, though it rest only on the authority of the vulgar. Thus *rebus agentibus*,**

* Hor. Ep. i. 1, 41. † Hor. Od. i. 15, 24.
‡ See Cicero Verr. v. 44. § Æn. ii. 104. ‖ Jug. c. 10.
¶ The meaning of these words is doubtful. This example, and the two following, were probably from Sallust's History.
** I suppose that the fault is that of having used the present participle with a passive signification. *Spalding.* "It is strange," he adds, "that no writer has given us another example of that sort of phraseology." We see and hear far too many examples of it in our own tongue.

which Asinius Pollio condemns in Labienus,* has struggled into use, as well as *contumeliam fecit*,† which is well known to have been censured by Cicero, for in his days they said *affici contumeliâ*. 14. Another recommendation of figures is that of antiquity, of which Virgil was an eminent lover:

Vel quum se pavidum contra mea jurgia jactat,‡
Or when he shows himself afraid to meet
My charge;

and,

Progeniem sed enim Trojano à sanguine duci
Audierat,§
But she had heard a race would be deriv'd
From Trojan blood.

Similar phraseology is found in abundance in the old tragic and comic poets. One word of the kind has remained in use, *enimvero*, "for truly." 15. There is more of the same sort in the same author; as,

Nam quis te, juvenum confidentissime,—‖
For who bade thee, thou boldest of young men,—

for *quis* is usually set at the commencement of a phrase. And, speaking of the Chimæra on the crest of Turnus,

Tam magis illa tremens, et tristibus effera flammis,
Quàm magis effuso crudescunt sanguine pugnæ,¶
The more the fields of strife with bloodshed rage,
The more it trembles, and the fiercer glows
With issuing fires.

which is an inversion of the usual order, *Quàm magis ærumna*

* See iv. 1, 11; i. 5, 8.

† Cic. Philipp. iii. 9. Gesner observes that *facere contumeliam* was a phrase similar to *facere jacturam*, *facere* being for *pati*.

‡ Æn. xi. 406. What there is of the antique in this verse, has been a subject of doubt among the commentators. Budæus, in his Comment. Ling. Gr. p. 1454, supposes that *vel* is used for *nam*, expressing indignant feeling. Burmann thinks that all the peculiarity is merely a transposition for *cum se vel pavidum*. Gesner imagines that *vel* is for *etiam*, *adeò*, "cum vi exaggerandi." Spalding thinks that in the abrupt conciseness of the phraseology, when all that should follow the protasis is left to be understood, *vel quum* has much of strangeness, which he considers Quintilian justified in ascribing to antiquity.

§ Æn. i. 19. *Sed enim* is equivalent to the Greek ἀλλὰ γάρ.

‖ Georg. iv. 445. *Nam quis* for *Quisnam*. Capperonier.

¶ Æn. vii. 787.

*urget, tam magis ad malefaciendum viget,** "The more affliction presses, the more influence it has in prompting evil deeds." 16. The ancients are full of such expressions; as Terence at the beginning of the Eunuch, *Quid igitur faciam?*† "What then shall I do?" *Allusit tandem leno.*‡ And Catullus,§ in his Epithalamium, has,

——*Dum innupta manet, dum cara suis est,*
—— As long as she remains unwed, so long
She to her friends is dear,

the first *dum* signifying *quoad*, the second *usque eò*. 17. In Sallust are many phrases translated from the Greek, as *Vulgus amat fieri*,‖ "[Things which] the crowd likes to be done;" also in Horace,¶ who was a great lover of Hellenisms,

—— *Nec ciceris, nec longæ incidit avenæ,*
Nor grudg'd him vetches, nor the long-shap'd oat;

and in Virgil,

—— *Tyrrhenum navigat æquor,***
—— Sails the Tyrrhenian deep.

18. It is now a common expression, too, in the public acts,†† *saucius pectus*, "wounded in the breast." Under the same head of figures fall the *addition* and *abstraction* of words. To add a word more than is necessary may seem useless, but it is often not without grace; as,

Nam neque Parnassi vobis juga, nam neque Pindi,‡‡
For neither have Parnassus' heights, nor those
Of Pindus, e'er detain'd you;

the second *nam* being superfluous. In Horace we have,

* Spalding supposes that these words are cited merely as an exemplification of the usual order of *Quàm* and *tam*. Muretus thinks them a trochaic tetrameter catalectic from some poet; and they certainly form, says Spalding, such a trochaic verse as will satisfy the fingers.

† An archaism in the use of *igitur*, says Donatus, for *deinde*.

‡ From some comic poet. In such phrases, as Donatus remarks, *tandem* is a mere expletive particle. *Turnebus.*

§ LXII. 45. Yet the modern editions of Catullus have,

Dum intacta manet, tum cara suis.

‖ Jug. c. 34. ¶ Sat. ii. 6, 83. ** Æn. i. 67.

†† Of which the style was not particularly elegant. See Lips. ad Tacit. Annal. v. 4.

‡‡ Virg. Ecl. x. 11.

Fabriciumque,
*Hunc et intonsis Curium capillis,**
Fabricius, him, and Curius with his locks,
Unshorn.

As to suppressions of words, in the body of a sentence, they are either *faulty* or *figurative;* as,

Accede ad ignem, jam calesces plus satis,†
Approach the fire, and you will soon be warm'd
More than enough,

Plus satis being for *plus quàm satis*, one word only being omitted. In other cases of suppression, a supply of many words may be necessary.‡ 19. Comparatives we very often use for positives; thus a person will say that he is *infirmior*, "weaker," that is, weaker than ordinary; and we are also in the habit of opposing two comparatives to each other, instead of a positive and comparative; as, *Si te, Catilina, comprehendi, si interfici jussero, credo, erit verendum mihi, ne non hoc potiùs omnes boni seriùs à me, quàm quisquam crudeliùs factum esse dicat.*§ "If I should order you, Catiline, to be seized, if I should order you to be put to death, I should have to fear lest all good members of society should think that such a course was adopted too late by me, rather than that any one should consider it adopted with too much severity." 20. There are also such expressions as the following, which, though not indeed of the nature of solecisms, put one number for another, and are consequently to be in general reckoned among tropes.‖ Thus we speak of a single person in the plural:

* Hor. Od. i. 12, 40. † Terence, Eun. i. 2, 5.

‡ *Nam de alterâ, quæ detractione, pluribus adjiciendum est.*] Spalding allows these words to be corrupt; Gesner thinks that something that should follow them is lost out of the text. Gesner reads *dicendum* with Regius, but very injudiciously, as it seems. Spalding proposes to amend the passage thus: *Nam ad alteram quidem detractionem pluribus adjiciendum est;* observing that *nam*, as is often the case, refers to something understood, as if Quintilian meant to say, "Defungar hoc quàm brevissimo exemplo, ubi nihil deest nisi *quàm*, nam ad ceteram detractionem pluribus verbis illud quod omittitur, adjiciendum est, quò sententia expleatur."

§ Cicero in Cat. i. 2.

‖ For they belong to *synecdoche;* or, as others term it, enallage of number.

*Sed nos immensum spatiis confecimus æquor,**
But we have pass'd o'er plains immense in space;

Or of several persons in the singular:

Haud secus ac patriis acer Romanus in armis,†
Like the fierce Roman in his country's arms.

21 Of a different species, though the same in kind, are the following instances:

Neve tibi ad solem vergant vineta cadentem,‡
Nor let your vineyards tow'rds the setting sun
Be spread;

Ne mihi tum molles sub divo carpere somnos,
Neu dorso nemoris libeat jacuisse per herbas,§
Let me not then incline to court soft sleep
Beneath the open sky, or on the grass
To stretch, beside the grove;

for Virgil does not admonish one person in the first passage, or himself alone in the second, but intends his precepts for all. 22. We speak, too, of ourselves as if we were speaking of others: *Dicit Servius*, "Servius asserts;" *Negat Tullius;* "Cicero denies;" and we speak in our person instead of speaking in that of another; and put one third person in place of another. There is an example of both figures in the speech for Cæcina:‖ Cicero, addressing Piso, the advocate of the opposite party, says, *Restituisse te dixti? nego me ex edicto prætoris restitutum esse;* "Do you say that you reinstated me? I deny that I was reinstated by an edict of the prætor;" but it was Æbutius¶ that said *restituisse*, and Cæcina that replied, *nego me ex edicto prætoris restitutum esse;* and there is a figure used in the word *dixti*, from which a syllable is struck out.

23. Some other figures may be regarded as of the same nature. One is that which we call *interpositio* or *interclusio*, and the Greeks *parenthesis*, when some interposed remark breaks the course of a sentence; as, *Ego quum te, (mecum enim sæpissime loquitur,) patriæ dedidissem,***" "when I had brought you back (for he very often talks with me) to your

* Virg. Georg. ii. 541.
† Georg. iii. 346.
‡ Georg. ii. 298.
§ Georg. iii. 435.
‖ C. 29.
¶ The adversary of Cæcina.
** Cicero pro Mil. c. 34.

country," &c. With this some join the *hyperbaton*,* which they do not choose to number among tropes. 24. Another is one which is similar to the figure of thought called *apostrophe*;† it does not affect the sense, but only the form of expression; as,

> *Decios, Marios, magnosque Camillos,*
> *Scipiadas duros bello, et te, maxime Cæsar,*‡
>
> The Decii she
> Marii, and great Camilli bore, the sons
> Of Scipio, stern in war, and thee of all
> The greatest, Cæsar.

25, Of this there is a still more spirited example where the poet is speaking of Polydore:

> *Fas omne abrumpit, Polydorum obtruncat, et auro*
> *Vi potitur. Quid non mortalia pectora cogis*
> *Auri sacra fames.*§
>
> He breaks all laws, kills Polydore, and grasps
> The gold by force. To what dost thou not drive
> The hearts of mortals, direful thirst of gold?

Those who have distinguished small differences with particular names, add the term μετάβασις,‖ which they consider as a different kind of *apostrophe;* as,

> *Quid loquor? aut ubi sum?*¶
>
> What am I saying? Or where am I?

26. Virgil unites the *parenthesis* and *apostrophe* in this passage:

> *Haud procul inde citæ Metium in diversa quadrigæ*
> *Distulerant, (at tu dictis, Albane, maneres,)*
> *Raptabatque viri mendacis viscera Tullus.***
>
> Not far from thence swift steeds had Metius rent
> In diverse parts, (thou, Alban, shouldst have kept
> Thy plighted faith) and Tullus dragg'd abroad
> The traitor's sever'd corpse.

27 These figures, and such as these, whether they arise from change, addition, abstraction, or transposition, attract the attention of the auditor, and do not suffer him to grow languid, as he is roused from time to time by some striking

* VIII. 6, 67. † IX. 2, 38.
‡ Virg. Georg. ii. 169. § Æn. iii. 55.
‖ Properly any *transition* from one person or thing to another.
¶ Æn. iv. 495. ** Æn. viii. 642.

expression; and they derive something of the pleasure which they give from their resemblance to faults, as a little acidity is sometimes grateful in cookery. This result will be produced, if they are not extravagantly numerous, or if those of the same kind are not thrown together, or introduced too frequently; for rarity in their use, as well as diversity, will prevent satiety.

28. Those sorts of figures have a more striking effect, which not only concern the form of expression, but communicate grace and energy to the thoughts.

Of these we may notice in the first place that which consists in *addition*. There are *several* kinds; for words are sometimes repeated, either for the sake of amplification, as, *I have killed, I have killed, not Spurius Mælius,** &c., where the first "I have killed" merely asserts the act, the second confirms the assertion. Or of expressing pity; as,

Ah Corydon, Corydon, &c.†

29. This figure is sometimes, too, employed for the sake of extenuation, and by way of irony. Something similar to this reiteration of a word, is the repetition of one after a parenthesis, which adds, however, force at the same time: *I have seen the property, unhappy that I am! (for though my tears are spent, grief still dwells fixed in my heart,) the property, I say, of Cneius Pompey, subjected to the cruel voice of the public crier.‡ You live, and live not to lay aside, but to increase your audacity.*§ 30. Sentences, again, are sometimes commenced, to give them spirit and energy, with the same word; as, *Nihilne te nocturnum præsidium palatii, nihil urbis vigiliæ, nihil timor populi, nihil consensus bonorum omnium, nihil hic munitissimus habendi senatûs locus, nihil horum ora vultusque moverunt?*‖ "Has not the nightly guard of the palatium, has not the watch kept in the city, has not the fear of the people, has not the unanimity of all men of honour, has not this fortified place for assembling the senate, have not the countenances and looks of those here present, produced any effect upon you?" 31. Sometimes they are ended with the same word; as, *Who called for them? Appius. Who produced them? Appius.*¶ This last

* Cicero pro Mil. c. 27.
† Virg. Ecl. ii. 69.
‡ Cicero Philipp. ii. 26.
§ Cicero in Cat. i. 2.
‖ Cicero in Cat. i. 1.
¶ Cicero pro Mil. c. 22.

example, however, may be referred to another kind of figure,* in which the beginning and end of each phrase are alike. "who" and "who," "Appius" and "Appius." Of this figure the following is an apt example: *Who are they that have frequently broken treaties? The Carthaginians. Who are they that have waged war with the utmost cruelty? The Carthaginians. Who are they that have devastated Italy? The Carthaginians. Who are they that importune to be forgiven? The Carthaginians.*† 32. In antitheses, also, or comparisons, there is commonly a repetition of the first words of each phrase alternately, so as to correspond; and I, therefore, said just above‡ that it was referable to this head rather than to any other: *You wake in the night, that you may give answers to your clients; he, that he may arrive early with his army at the place whither he is marching. You are aroused by the crowing of cocks, he, by the sound of trumpets. You conduct lawsuits, he draws up troops. You are on the watch lest your clients should be disappointed, he, lest his towns or his camp should be taken.*§ 33. But not content with having produced this beauty, the orator presents the same figure in a reverse order: *He knows and understands how the forces of the enemy are to be kept at a distance; you, how the rain may be prevented from annoying us.*‖ *He exercises himself in extending boundaries, you, in settling them.* 34. The middle may also be made to correspond with the beginning; as,

> *Te nemus Anguitiæ, vitreâ te Fucinus undâ,*¶
> Thee Anguitia's grove deplor'd,
> Thee, Fucinus, with crystal stream;

or with the end; as, *Hæc navis onusta prædâ Sicilsensi, quum ipsa quoque esset ex prædâ,*** "This ship laden with Sicilian spoil, being itself also a portion of the spoil." Nor will it be doubted that by the same figure that which is in the middle may be put both at the beginning and the end. The end may also be made to correspond with the beginning; as, *Many*

* Which they call *symploce.* Capperonier. † Ad Herenn. iv. 14.
‡ See c. 2, sect. 101. § Cicero pro Muræn. c. 9.
‖ *Ut aquæ pluviæ arceantur.*] "That the rain may be kept off." Annoyance from drains or water-spouts, about which there were frequent lawsuits, is meant.
¶ Æn. vii. 759. ** Cicero in Verr

*severe afflictions were found for parents, and for relatives many.** 35. There is, likewise another kind of repetition, which recurs to things or persons mentioned before, and distinguishes them:

> *Iphitus et Pelias mecum, quorum Iphitus ævo*
> *Jam gravior, Pelias et vulnere tardus Ulixi;*†
> Iphitus came, and Pelias came, with me;
> Iphitus slow with age, and Pelias lame
> As wounded by Ulysses.

This is what in Greek is called ἐπάνοδος: our writers term it *regressio*. 36. Nor are the same words repeated only in the same sense, but often in a different one, and in opposition; as, *The dignity of the leaders was almost equal; but not equal, perhaps, was that of those who followed them.*‡ Sometimes this kind of repetition is varied as to cases and genders; as, *Magnus est labor dicendi, magna res est*, "Great is the labour of eloquence; great is its importance." In Rutilius there is an example of this in a longer period;§ but the commencements of the sentences are, *Pater hic tuus? Patrem nunc appellas? Patri tu filius es?* "Is this your father? Do you now call him father? Are you to him as a son to a father?" 37. By a change of cases, too, is sometimes formed the figure which they call πολύπτωτον. It is also formed in other ways,‖ as in

* Cic. in Verr. v. 45. † Æn. ii. 435.

‡ Cicero pro Ligar. c. 6. The opposition is between *par* and *non par*, "equal" and "not equal," but *par* is not in reality repeated in a different sense.

§ *Et apud Rutilium longa περιόδους.*] Spalding adopts the reading *longa περιόδοις*, but *longiore periodo*, preferred by Gesner and most other editors, is surely much better. Quintilian intimates that the passage in Rutilius (i. 10) is so long that he will not give it entire. The following is a translation of it: "Is this man to be deemed your father, only that he may be thought to be obliged to support you in your poverty? Do you now call him your father whom you formerly deserted, as if he had been a stranger, when he needed your aid? Are you a son to your father only that you may enjoy his wealth, when you have acted as his most cruel enemy, to bring affliction on his old age? Assuredly we beget children inconsiderately; for it is from them that we derive most of our misery and dishonour."

‖ *Constat et aliis etiam modis.*] All the commentators pass these words in silence except Spalding, who says that he can see no sense in them, unless we take *modis* in the sense of *different parts of verbs*, referring to *dandi, datum, datum*, in the following quotation. But this will hardly satisfy any reader.

Cicero's speech for Cluentius : * *Quod autem tempus veneni dandi? Illo die? In illâ frequentiâ? Per quem porro datum? Unde sumptum? Quæ porro interceptio poculi? cur non de integro autem datum?* "But what was the time at which the poison was given? Was it on that day? Among such a number of people? By whose instrumentality, moreover, was it given? Whence was it taken? What was the means of intercepting the cup? Why was it not given a second time?" 38. Such a combination of different particulars Cæcilius calls μεταβολή, of which another passage from the speech for Cluentius† may be given as an example; it is in reference to Oppianicus: *Illum tabulas publicas Larini censorias corrupisse, decuriones universi judicaverunt; cum illo nemo rationem, nemo rem ullam contrahebat; nemo illum ex tam multis cognatis et affinibus tutorem unquam liberis suis scripsit,* "That he falsified the public registers at Larinum, the decuriones were unanimously of opinion; no man kept any account, no man made any bargain with him; no man, of all his numerous kinsmen and connexions, ever appointed him guardian to his children," and much more to the same purpose

39. As particulars are here thrown together, so, on the other hand, they may be distributed, or, as Cicero,‡ I think, calls it, *dissipated;* as,

> *Hic segetes, illic veniunt feliciùs uvæ,*
> *Arborei fœtus alibi* &c §
>
> Here corn, there grapes, more gladly spring; elsewhere
> The stems of trees, &c.

40. In Cicero is seen an example of a remarkable mixture of figures, in a passage in which the last word, after a long interval, is repeated in correspondence to the first; the middle also is in accordance with the commencement, and the conclusion with the middle: *Vestrum jam hic factum deprehenditur, Patres Conscripti, non meum; ac pulcherrimum quidem factum; verum, ut dixi, non meum, sed vestrum;*‖ "Your

* C. 60. Comp. v. 7, 37. † C. 14.

‡ See c. 1, sect. 35. In Orat. c. 31 occurs *dissipata connectere.*

§ Virg. Georg. i. 54.

‖ I confess that I have not found this passage in Cicero. He is evidently speaking of the accomplices of Catiline, whom Metellus Nepos and Clodius charged Cicero with having put to death without

work now appears here, Conscript Fathers, not mine; and a very honourable work, indeed, it is; but, as I said, it is not mine, but yours." 41. This frequent repetition the Greeks call πλοκή:* it consists, as I said,† of a mixture of figures; a letter to Brutus‡ affords an example of it: "When I had returned into favour with Appius Claudius, and it was through Cneius Pompey that I did return, and, accordingly, when I had returned," &c. 42. It may be formed also by a repetition of the same words, in various forms, in the same sentence; as in Persius,

Usque adeone
Scire tuum nihil est, nisi te scire hoc sciat alter?§
Is, then, to know in thee
Nothing, unless another know thou know'st?

and in Cicero,‖ *Neque enim poterat, indicio et his damnatis, qui indicabantur;* "For neither could he, when those were found guilty on information against whom information was given." 43. But whole sentences, too, are sometimes ended with the phrases with which they are commenced: *He came from Asia. Of how much advantage was even this? But it was in the character of a tribune of the people that he came from Asia.* When, however, the last word in a period is made to correspond with the first, another repetition of it may be given, as to the sentence just quoted is added, *However he came from Asia.* Sometimes a series of words may be repeated, and in precisely the same order: *What could Cleomenes do? For I cannot accuse any one falsely. What, to much purpose could Cleomenes do?*¶ 44. The last word of the former of two sentences, and the first of the latter, are often the same; a figure which poets, indeed, use more frequently than prose writers:

allowing them to plead their cause. I suspect that the words come from the speech of Cicero against Metellus, (see sect. 45, 49,) which he delivered in the senate, and calls his *Metellina oratio* in a letter to Atticus, i. 13. *Spalding.*

* See Aquila Romanus, sect. 28; and Rufinus, c. 12.

† Sect. 40. Comp. v. 14, 8. *Spalding.*

‡ Now lost; but there are references to the same subject, says Spalding, in some of the extant letters of Cicero, as ad Fam. ii. 13; iii. 10. § I. 27.

‖ For this and the following example Spalding says that he has sought in vain in Cicero.

¶ Cicero in Verr. v. 41.

Pierides, vos hæc facietis maxima Gallo,
Gallo, cujus amor tantum mihi crescit in horas, &c.*

You, Muses, will
For Gallus give these verses dignity,
Gallus, for whom my love still grows each hour,
As much, &c.

But orators afford not unfrequent examples of it: *Yet he lives. Lives? Nay, he even comes into the senate.*† 45. Sometimes, (the remark is similar to what I said‡ in regard to the repetition of words,) the beginnings and conclusions of phrases are made to correspond with each other by means of words which, though different, are yet of a similar signification. The beginnings, for example, thus: *Dediderim periculis omnibus, obtulerim insidiis, objecerim invidiæ:*§ "I would have thrown him into every kind of danger, I would have exposed him to treachery, I would have consigned him to public odium." The conclusions thus: *Vos enim statuistis, vos sententiam dixistis, vos judicastis:* "You determined, you gave your opinion, you pronounced judgment." This some call συνωνυμία,‖ others *disjunction;* and both terms, though of different meaning, are used with propriety; for it is a separation of words having the same signification. Sometimes, again, words that have the same signification are congregated:¶ *Such being the case, Catiline, go whither you had intended to go; depart at length from the city; the gates are open; commence your journey.* 46. And in another speech against Catiline, *He is gone, he has departed, he has sallied forth, he has escaped.*** This, in the opinion of Cæcilius, is *pleonasm,* that is, language copious beyond what is necessary, as in the words,

Vidi oculos ante ipse meos,††
I saw, myself, before my eyes,

for in *vidi* "I saw," is included *ipse,* "myself." But such phraseology, as I have remarked in another place, is, when burdened with any useless addition, faulty; when it adds strength to the plain thought, as in this case, it is a beauty; for the several words *vidi, ipse,* and *ante oculos,* produce each

* Virg. Ecl. x. 72. † Cicero in Cat. i. 1. ‡ Sect. 30.
§ Probably, says Spalding, this and the following quotation are from one of the lost speeches of Cicero.
‖ Comp. viii. 3, 16. ¶ Cic. in Cat. i. 5.
** Cic. in Cat. ii. 1. †† Æn. xii. 638.

its impression on the mind. 47. Why Cæcilius, then, should have characterized it by such a term, I cannot tell; for every sort of reduplication, and repetition, and addition, might be called pleonasm with just as much propriety. Not only words of similar import, however, but also thoughts, are sometimes accumulated; as, *Perturbatio istum mentis, et quædam scelerum offusa caligo, et ardentes Furiarum faces excitarunt.** "Perturbation of mind, darkness shed over him through his crimes, and the burning torches of the Furies excited him." 48. Words and phrases of different import are also thrown together; as, *Mulier, tyranni sæva crudelitas, patris amor, ira præceps, temeritas, dementia*, &c. "The woman, the savage cruelty of the tyrant, his love for his father, violent anger, rashness, madness," &c. Another example is to be found in Ovid,

> *Sed grave Nereidum numen, sed corniger Ammon,*
> *Sed quas visceribus veniebat bellua ponti,*
> *Exaturanda meis*, &c.†
>
> But the dread Nereids' power, but Ammon horrid,
> But the dire monster from the deep that came,
> To feed upon my vitals, &c.

49. I have found some authors call the following form of sentence πλοκή:‡ *Quæro ab inimicis, sintne hæc investigata, comperta, patefacta, sublata, deleta, extincta per me?*§ "I ask of my enemies whether it was not by my means that these plots were investigated, discovered, exposed, overthrown, destroyed, annihilated?" But with these authors I do not agree, as the words form but one figure, though they are of a mixed nature, partly of similar and partly of different signification; a union which they call διαλλαγή: for *investigata, comperta, patefacta*, state one thing, and *sublata, deleta, extincta*, state another, the latter being similar one to another, but dissimilar to the former. 50. We may observe, too, that the last quotation, and the last but one, afford an example of another figure, which, as it consists in the omission of conjunctions, is called *dialysis*, and is aptly used when we have to

* This quotation, and the following, appear to be from lost declamations. *Spalding.*

† Metam. v. 17.

‡ Comp sect. 41.

§ Gesner seems to be right in assigning this passage to the speech of Cicero against Metellus; see sect. 45; also sect. 51.

express anything with vehemence, as by means of it particulars are severally impressed on the mind, and appear to be rendered as it were more numerous.* Hence we use this figure not only in single words, but also in phrases, as Cicero says in his reply to the speech of Metellus, *Those of whom information was given, I ordered to be summoned, to be kept in custody, to be brought before the senate; it was in the senate that they were arraigned*, and so on through the whole of that passage. This mode of expression the Greeks call *βραχυλογία*.† which may be regarded as a *conjunctive disjunction*. 51. Opposed to this is the figure which consists in superfluity of conjunctions; the one is called *asyndeton*, the other *polysyndeton*, which arises either from repetitions of the same conjunction, as,

Tectumque, laremque,
Armaque, Amyclæumque canem, Cressamque pharetram,‡
Both house, and household gods, and arms,
And Amyclæan dog, and quiver form'd
Of Cretan make;

52. or of different conjunctions, as

Arma virumque ——,
Multum ille et terris ——,
Multa quoque ——.§

53. In like manner adverbs and pronouns are also varied:

Hic illum vidi juvenem ——
Bis senos cui nostra dies ——
Hic mihi responsum primus dedit ille petenti.‖

But both the asyndeton and the polysyndeton are coacervations of words, the only difference being in the presence or absence of conjunctions. 54. Writers have given them their own names, which are various, as it suited the fancy of those who invented them. The source of them, indeed, is the same, as they render what we say more vivacious and energetic, exhibiting an appearance of vehemence, and of passion bursting forth as it were time after time.

* By not being united into a body, but left separate.

† See viii. 3, 82. "Many suppose," says Turnebus, "that we should read *διάλυσις* instead of *βραχυλογία*." Brachylogy, according to Rutilius Lupus, ii. 8, is when the speaker, by brevity of expression, goes on faster than the hearers expected.

‡ Virg. Georg. iii. 344.

§ Æn. i. 1, *seqq.*

‖ Virg. Ecl. i. 43—45.

Gradation, which is called by the Greeks κλῖμαξ, is produced by art less disguised, or more affected, and ought for that reason to be less frequently used. 55. It lies too, in repetition, for it recurs to what has been said, and takes a rest, as it were, on something that precedes, before it passes on to anything else. An example of it may be translated from a well-known Greek passage:* *I not only did not say this, but did not even write it; I not only did not write it, but took no part in the embassy; I not only took no part in the embassy, but used no persuasion to the Thebans.* 56. A Latin example or two, however, may also be added: *Exertion gained merit to Africanus, merit glory, and glory rivals;*† and, from Calvus,‡ *Trials for extortion have not, therefore, ceased more than those for treason; nor those for treason, more than those under the Plautian law; nor those under the Plautian law more than those for bribery; nor those for bribery more than those under any other law.* 57. Examples are also to be found in the poets, as in Homer about the sceptre, which he brings down from Jupiter to Agamemnon; and in a tragic poet of our own,§

> *Jove propagatus est, ut perhibent, Tantalus,*
> *Ex Tantalo ortus Pelops, ex Pelope autem satus*
> *Atreus, qui nostrum porro propagat genus;*
>
> From Jove, as they relate, sprung Tantalus;
> From Tantalus sprung Pelops, and from Pelops
> Came Atreus, who is father of our race.

58. As to figures which consist in the omission of a word or words, they aim chiefly at the merit of brevity or novelty. One of them is that which I delayed to consider till I should enter upon figures, when I was speaking in the preceding book about *synecdoche*,‖ a figure in which any word that is omitted is easily understood from the rest, as when Cælius says, in speaking against Antonius,¶ *Stupere gaudio Græcus*, "the Greek began to be astonished with joy," for *cæpit*, "began," is readily understood. So Cicero writes to Brutus,** *Sermo nullus*

* Demosth. de Cor. p. 288 ed. Reisk.

† Whose words these are is unknown. They are cited ad Herenn. iv. 25.

‡ From a speech of his against Vatinius, Aquil. Rom. c. 40.

§ Who is meant, is not now known.

‖ VIII. 6, 22. ¶ See iv. 2, 123. ** The letter is lost.

scilicet, nisi de te; quid enim potius? Tum Flavius, Cras *inquit*, tabellarii, *et ego ibidem has inter cœnam exaravi*," "There is no talk, indeed, but of you; for what better can there be? Then Flavius says, *To-morrow the couriers* [will set out,] and this letter I wrote there during supper." 59. Of a similar character, in my opinion, are passages in which a word or words are properly suppressed from regard to decency:

Novinus et qui te, transversa tuentibus hircis,
*Et quo, sed faciles Nymphæ riserе, sacello.**

60. Some regard this as an *aposiopesis*, but erroneously; for what the aposiopesis suppresses, is uncertain, or requires to be told by some addition to that which has been expressed; but here only one word, which is well known, is wanting; and if this is aposiopesis, every omission of any word or phrase whatever may be called by that name. 61. For my part, I do not constantly call that an *aposiopesis*, in which anything whatever is left to be understood; as in the following words, which Cicero has, in one of his letters, *Data Lupercalibus, quo die Antonius Cæsari*, for he used no real suppression, nor intended any jest, since nothing else could be understood but *diadema imposuit*. "Given on the Lupercalia, on the day on which Antony put the diadem on Cæsar."

62. A second† figure produced by *omission*, is that of which I have already spoken,‡ and which consists in the elimination of conjunctions.

A third, which is called by the Greeks συνεζευγμένον, is that by which several phrases or thoughts are referred in combination to the same word, each of which, if set alone, would require that word for itself. This may be done, either by putting the verb first, so that other portions of the sentence may look back to it; as, *Vicit pudorem libido, timorem audacia, rationem amentia*,§ "Licentiousness overcame modesty, audacity fear, madness reason;" or by putting it last, so that several particulars may be brought as it were to a conclusion in it; *Neque enim is es, Catilina, ut te aut pudor unquam a turpitudine, aut metus à periculo, aut ratio à furore revocaverit*;‖ "For neither are you of such a character, Catiline, that either shame can restrain you from dishonour, or fear from danger, or reason

* Virg. Ecl. iii. 8. † See sect. 58. ‡ Sect. 50.
§ Cicero pro Cluent. c. 6. ‖ Cicero in Catil. i. 9.

from rage." 63. The verb may also be placed last, so that it may suffice both for what precedes and what follows. The same figure joins different sexes, too, as when we call a male and female child, *filii*, and puts the singular for the plural, and the plural for the singular. 64. But expressions of this kind are so common, that they can hardly claim for themselves the merit of figures. A figure is certainly used, however, when two different forms of phrase are united; as

Sociis tunc arma capessant,
*Edico, et dirâ bellum cum gente gerendum;**
I order that my comrades seize their arms,
And war be waged with that dire progeny;

for though the part of the sentence that follows *bellum* ends with a participle, the verb *edico* has an equal effect on both parts. This sort of conjunction, which is not made for the purpose of suppressing any word, but which unites two different things, the Greeks call συοικείωσις. Another example of it is,

Tam deest avaro quod habet, quàm quod non habet,†

"To the miser is wanting as well what he has, as what he has not." 65. To this figure they oppose *distinctio*, which they call παραδιαστολή, and by which things that have some similitude are distinguished; as, *When you call yourself wise instead of cunning, brave instead of presumptuous, frugal instead of miserly.* Such designations, however, depend wholly on definition, and I, therefore, doubt whether a sentence of that kind can properly be called figurative. Of an opposite sort is the figure which makes a short transition from one thing to another of a different nature, as though they were similar:‡

Brevis esse laboro,
Obscurus fio.§
I labour to be brief, I grow obscure.

66. There remains to be noticed a third kind of figures,

* Æn iii. 234. † See viii. 5, 6.

‡ *Quæ ex viciniâ transit ad diversa ut similia.*] *Quasi ista* diversa *essent* similia. Thus in the following example *obscurity* is considered as something of a similar nature with brevity. But I have some doubt whether the words *ex viciniâ* should not be expunged, as they occur again in sect. 66, and may have been transferred by a transcriber from one place to the other. They are certainly more necessary in sect. 66 than here. *Spalding.*

§ Hor. Epist. ad Pis. v. 26.

which, by some resemblance, equality, or opposition of words, attracts and excites the attention of the hearer. Of these is the παρονομασία, which is called by the Latins *annominatio.* It is produced in more ways than one, but always depends on some resemblance in a word that follows to a word that has gone before. These words may be in different cases, as in what Domitius Afer* says in his speech for Cloantilla: *Mulier omnium rerum imperita, in omnibus rebus infelix;* "A woman unskilled in everything, unhappy in everything." 67. Or the same word may be rendered more significant by being joined to another, *Quando homo, hostis homo.*† These examples I have used for another purpose.‡ Such reduplication of a word, however, is easy.§ But to this species of paronomasia is opposed that by which a word is proved to be false, as it were, by a repetition of the same word; as, *Quæ lex privatis hominibus esse lex non videbatur,* "Which law did not seem to be a law to private persons." 68. Similar to this is the *antanaclasis,* the use of the same word in a contrary sense. When Proculeius complained of his son that he was *waiting* for his death, and the son said that he was *not waiting* for it; *Nay,* rejoined Proculeius, *I desire that you may wait for it.* Sometimes resemblance is sought, not in different senses of the same word, but in two different words; as when we say that a person whom we deem *dignus supplicatione,* "worthy of supplication on his behalf," should be treated as *dignus supplicio,* "worthy of punishment." 69. Sometimes, again, the same word is used in a different signification, or varied only by the lengthening or shortening of a syllable; a practice which is contemptible, however, even in jests, and I am surprised that it should be noticed among rules. 70. The following examples of

* See c. 2. sect. 20.

† The commentators are all in doubt as to the meaning of these words. They may be taken in the sense, "Since he is a man, he is an enemy," and may then be supposed to have been uttered by Timon; or they may be read interrogatively, as Turnebus suggests, and considered to signify, "Since he is a man, can he be an enemy?"

‡ *Quibus exemplis sum in aliud usus.*] "Perhaps," says Turnebus, "Quintilian may have used these examples in another work." Spalding thinks the passage mutilated.

§ *Sed in uno facilis est geminatio.*] A friend of Gesner supposed Quintilian to mean that a repetition of the same word in exactly the same sense is easy to be understood, but that, if the sense is at all altered, the reader may be perplexed.

it I give rather that they may be avoided than that they may be imitated: *Amari jucundum est, si curetur ne quid insit amari:* "It is pleasant to be loved, if we take care that there be no bitter in the love." *Avium dulcedo ad avium ducit:* "The sweet song of birds attracts to sequestered spots:" and we find in Ovid, in a humorous passage,

*Cur ego non dicam, Furia, te furiam?**
Why should not I thee, Furia, fury call?

71. Cornificius calls this *traduction*, that is, the transition from one signification to another: but it has most elegance when it is employed in making exact distinctions; as, *This pest of the commonwealth might be repressed for a time, but not suppressed for ever;*† and in the use of verbs, which are altered in sense by a change in the prepositions with which they are compounded; as *non emissus ex urbe, sed immissus in urbem esse videatur:*‡ "He may seem, not to have been sent out of the city, but to have been sent into the city?" The effect is better and more spirited, when what is said is both figurative in expression, and strong in sense, as, *emit morte immortalitatem*, "He purchased immortality by death." 72. Such as the following are frivolous: *Non Pisonum, sed pistorum*, "Not of the Pisos, but of the bakers;" *Ex oratore arator.*§ "From an orator become a ploughman." But the most contemptible plays on words are such as these: *Ne patres conscripti videantur circumscripti;*‖ *Rarò evenit, sed vehementer venit.* It is possible, however, that a bold and spirited thought may receive some not unsuitable grace from the contrast of two words not quite the same. 73. Why should modesty prevent me from using an example from my own family? My father, in reply to a man that had said *se immoriturum legationi*, that he would die on an embassy, on which he was going, rather than not effect the object of it, and then returned, after the lapse of a few days, without having succeeded, said, *non exigo ut*

* The commentators suspect that this line is from the epigrams of Ovid, concerning which see Angelus Politianus Fac. Gruteri, vol. i. p. 76. The reader may observe that the first syllable in the proper name is made long, as may be seen in other passages of the poets. *Spalding.* The first syllable in the proper names Furius and Furia is always long, as in Hor. Sat. ii. 5, 41: *Furius hybernas canâ nive conspuet Alpes.*

† Cicero in Cat. i. 12.

‡ Cicero in Cat. i 11.

§ Cicero Philipp. iii. 9.

‖ Ad Herenn. iv. 21.

immoriaris legationi, immorare, "I do not ask that you should die on an embassy, but at least dwell on it;" for the sense is good, and the sounds of the two words, so different in meaning, have a pleasing correspondence, especially as they were not sought, but, as it were, presented themselves, the speaker using but one of his own, and receiving the other from the person whom he addressed. 74. To add grace to style by balanced antitheses, was a great object with the ancients; Gorgias studied it immoderately, and Isocrates was extremely devoted to it, at least in the early part of his life. Cicero had great delight in the practice, but he set bounds to his indulgence in it, (though it is not indeed unpleasing unless it offend by excess,) and gave weight to what would otherwise have been trifling by the importance of his matter. Indeed affectation, which would in itself be dry and empty, seems, when it is united with vigorous thoughts, to be not forced, but natural.

75. Of producing *correspondences* in words there are about four modes. The first is, when a word is chosen by the speaker that is similar in sound, or not very dissimilar, to another word; as,

*Puppesque tuæ, puberque tuorum;**

and, *Sic in hac calamitosâ famâ, quasi in aliquâ perniciosissimâ flammâ;*† and, *non enim tam spes laudanda, quàm res est.* Or they have at least a resemblance in termination; as, *non verbis, sed armis.* 76. This artifice also, whenever it is combined with vigorous thought, is pleasing: as, *Quantum possis, in eo semper experire, ut prosis.* This is what is called *πάρισον*, as most authors have it; but Cleosteleus‡ thinks that the *πάρισον* consists in similarity in the members of sentences. 77. The second is, when two or more clauses terminate alike, the same syllables § corresponding at the end of each, constituting the *ὁμοιοτέλευτον*, the similar ending of two or more phrases; as, *Non modo ad salutem ejus extinguendam, sed etiam gloriam per tales viros infringendam.*‖ Of this kind are what they

* Æn. i. 399. † Cicero pro Cluent. c. 1.

‡ Who is meant, has not yet been discovered. There is need of a Ruhnken's ingenuity to find out the real name. *Spalding.* There are various readings, but none that afford any help to conjecture.

§ For *vel iisdem* in the text, I adopt the emendation proposed by Spalding, *syllabis iisdem.* ‖ Pro Mil. c. 2.

call τρίκωλα, though these do not always exactly correspond in termination: as, *Vicit pudorem libido, timorem audacia, rationem amentia.** But such resemblance may be extended to four members or even more. Each member may also consist of a single word; as,

Hecuba, hoc dolet, pudet, piget; †

and *Abiit, excessit, erupit, evasit.*‡ 78. The *third* is that which consists in a repetition of the same case, and is called ὁμοιόπτωτον: but it has not that name because it presents similar endings, for that which lies in similar endings is termed ὁμοιοτέλευτον: and the ὁμοιόπτωτον is only a resemblance in cases, while the declensions of the words may be different; and it is not seen only at the ends of phrases, but may exhibit a correspondence either in beginnings with beginnings, middles with middles, or terminations with terminations; or there may even be an interchange, so that the middle of one phrase may answer to the beginning of another, or the conclusion of one to the middle of another; and indeed the resemblance may be maintained in any way whatever. 79. Nor do the correspondent phrases always consist of an equal number of syllables. Thus we see in Domitius Afer, *Amisso nuper infelicis aulæ, si non præsidio inter pericula, tamen solatio inter adversa.* The best species of this figure appears to be that in which the beginnings and ends of the phrases correspond; as here, *præsidio, solatio;*§ and in which there is a similitude in the words, so that they afford like cadences, and like terminations. 80. The *fourth* kind is that in which there is a perfect equality in the clauses, which is called by the Greeks ἰσόκωλον; as,‖ *Si, quantum in agro locisque desertis audacia potest, tantum in foro atque judiciis impudentia valeret.* "If impudence had as much power in the forum and in courts of justice as boldness has in wilds and desert places;" (where there is both the ἰσόκωλον and the ὁμοιόπτωτον); *non minus nunc in causâ cederet Aulus Cæcina Sexti Æbutii impudentiæ, quàm tum in vi faciendâ cessit*

* See sect. 62.

† A fragment, I suppose, from some tragic poet. *Burmann.*

‡ Sect. 45.

§ As these words are not the beginnings and endings of sentences, Spalding justly supposes the text to be corrupt. Other commentators pass the passage in silence.

‖ Cicero pro Cæcin. init.

audaciæ, "Aulus Cæcina, in the present cause, would give way to the impudence of Sextus Æbutius not less than he then yielded to his audacity in the commission of violence," where there is *ἰσόκωλον*, *ὁμοιόπτωτον*, and *ὁμοιοτέλευτον*. To this figure is attached, also, that beauty which arises from the figure in which I said* that words are repeated with a change of case or tense; as, *Non minùs cederet, quàm cessit*, "He would yield no less than he has yielded." The *ὁμοιοτέλευτον* and the *παρονομασία* may also be united, as *Neminem alteri posse dare in matrimonium, nisi penes quam sit patrimonium*, "No one could give to another in matrimony, except him in whose hands is the patrimony."

81. *Contraposition*, or, as some call it, *contention*, (it is termed by the Greeks *ἀντίθετον*,) is effected in several ways; for it occurs when single words are opposed one to another, as in the example which I used a little above,† *Vicit pudorem libido, timorem audacia;* or when two are opposed to two; as, *Non nostri ingenii, vestri auxilii est*,‡ "It depends not on our ability, but your aid;" or when sentences are opposed to sentences: as, *Dominetur in concionibus, jaceat in judiciis*.§ 82. With this species of antithesis is very properly joined that which we have termed *distinction: Odit Populus Romanus privatam luxuriam, publicam magnificentiam diligit*,‖ "The Roman people detest private luxury, but love public magnificence;" and that in which words of similar termination, but of dissimilar meaning, are placed at the end of different clauses; as, *Quod in tempore mali fuit, nihil obsit, quin, quod in causâ boni fuit, prosit*,¶ "So that what was unfortunate in the time may not prevent what was good in the cause from being of advantage." 83. Nor is the second term always immediately subjoined to that to which it corresponds; as in this passage, *Est igitur, judices, non scripta, sed nata lex*,** "It is a law, therefore, judges, not written for us, but inherent in us by nature;" but, as Cicero says,†† there may be a correspondence between several preceding and subsequent particulars, as in the sequel of the passage to which I have just referred, *Quam non didicimus, accepimus, legimus, verùm*

* Sect. 36, 36. † Sect. 62, 77. ‡ Cic. pro Cluent. c. 1.
§ Ibid. c. 2. ‖ Cic. pro Muræn. c. 32.
¶ Cic. pro Cluent. c. 29. ** Cic. pro Milone, c. 4.
†† See c. 1, sect. 34.

ex naturâ ipsâ accepimus, hausimus, expressimus, "A law which we have not learned, or acquired, or read, but which we have imbibed, and derived, and received from nature herself." 84. Nor is that which is opposed to what precedes always presented in the antithetic form; as in these words, cited by Rutilius Lupus,* *Nobis primùm dii immortales fruges dederunt; nos, quod soli accepimus, in omnes terras distribuimus:* "To us the immortal gods first gave corn; that which we alone received, we have distributed through every region of the earth." 85. An antithesis is also produced with the aid of that figure in which words are repeated with variations in case or tense, and which is called by the Greeks ἀντιμεταβολή: as, *Non, ut edam, vivo; sed, ut vivam, edo;* "I do not live that I may eat, but eat that I may live." There is an example of this in Cicero, which is so managed, that, though it exhibits a change in cases, the two members have a similar ending: *Ut et sine invidiâ culpa plectatur, et sine culpâ invidia ponatur,*† "That both guilt may be punished without odium, and odium may be laid aside without guilt." 86. The members may also terminate with the very same word; as in what Cicero says of Roscius,‡ *Etenim, quum artifex ejusmodi sit, ut solus dignus videatur esse qui scenam introeat, tum vir ejusmodi sit, ut solus videatur dignus qui eò non accedat,* "For, while he is an actor of such powers that he alone seems worthy to enter on the stage, he is a man of such a character that he alone seems worthy to be exempted from entering on it." There is also a peculiar grace in the antithetic opposition of names; as, *Si consul Antonius, Brutus hostis; si conservator reipublicæ Brutus, hostis Antonius;*§ "If Antony is a consul, Brutus is an enemy; if Brutus is a preserver of his country, Antony is an enemy."

87. I have now said more concerning figures than was perhaps necessary; yet there are some who will maintain that such a phrase as, *What I say is incredible, but true,* is a figure, and call it ἀνθυποφορά:‖ that, *Somebody has borne this once, I have borne it twice, I have borne it three times,*** is also a

* B. ii. c. 16. The words are translated from Demetrius Phalereus.
† Cic. pro Cluent. c. 2. ‡ Cic. pro Quint. c. 25.
§ Cic. Philipp. iv. 3. ‖ C. 2, sect. 106.
** Spalding very properly supposes that we should read *Aliquis hoc semel tulit, ego bis, nemo ter:* "Somebody has borne this once, I twice,

figure, and to be termed διέξοδος: and that, *I have digressed too far, and return to my subject*, is another, to be called ἄφοδος.*

88. Some figures of words differ but very little from figures of thought, as *dubitatio*,† "doubt;" for when it regards the matter, it is to be numbered among figures of thought, and when it concerns only words, among the other sort of figures; as *Sive me malitiam, sive stultitiam dicere oportet*, "Whether I ought to call this wickedness or folly." The same is the case with respect to *correction*, for as doubt may refer to either language or thought, so likewise may emendation. 89. Some think that this twofold nature of figures has place also in personification, and that the figure in the following words is verbal, *Avarice is the mother of cruelty*,‡ as well as in the exclamation of Sallust against Cicero, *O Romulus of Arpinum*.§ and in the expression in Menander, *Thriasian Œdipus*.‖ All these points those writers have treated with great fulness, who have not merely touched on them as portions of treatises, but have dedicated whole books to this particular subject, as Cæcilius, Dionysius, Rutilius, Cornificius, Visellius, and many others; but the glory of some living writers will not be inferior to theirs. 90. Though I admit, however, that more figures of speech may have been invented by certain of our rhetoricians, yet I do not allow that they are better than those which have been specified by eminent writers on the subject. Cicero, especially, has mentioned many figures in his third book *De Oratore*, which, by omitting them in his *Orator*, a work written subsequently, he appears himself to have condemned. Some of them, indeed, are figures of thought rather than of words, as *diminution*, the introduction of something *unexpected*, *image*,¶ *answering our own questions*, *digression*, *permission*,** *antithesis*,

nobody thrice;" where the specification of the three persons, *aliquis, ego, nemo*, may very well be termed a διέξοδος, or "going through."

* That is, "digression," *egressio* or *excursus*. Some term equivalent to *regressio* might rather have been expected.

† See c. 2, sect. 19.

‡ This saying is cited also by Rutilius Lupus, ii. 6.

§ IV. 1, 68.

‖ Probably some native of the Athenian village Thria (Herod. viii. 35), ridiculed by Menander.

¶ See note on c. 1, sect. 35.

** Called by the Greeks *epitrope* and *synchoresis*. An example of it is,

I, sequere Italiam ventis, pete regna per undas.

Æn. iv. 381. *Capperonier.*

λογία,* πρόληψις,† χαρακτηρισμός,‡ βραχυλογία,§ παρασιώπησις,‖ παρρησία,¶ of which I say also that they are not figures. As to those authors who have made scarcely any end of seeking for names, and who have inserted among figures that which belongs to arguments, I shall pay them no attention.

100. Concerning what are really figures, too, I would briefly remark, in addition, that though they are ornaments to language when they are judiciously employed, they are extremely ridiculous when introduced in immoderate profusion. Some speakers, regardless of weight of matter or force of thought, think that, if they can but distort empty words into the guise of figures, they have attained the perfection of art, and therefore never cease to string them together, though it is as ridiculous to aim at the form of eloquence without the substance, as it would be to study dress and gesture for what is not a living body. 101. Even such figures as are happily applied ought not to be too much crowded. Changes of countenance, and expressive glances of the eye, add great effect to pleading, but if a speaker should be perpetually moulding his features into studied configurations, or should keep up a perpetual agitation in his forehead and his eyes, he would only make himself a laughing-stock; and language has, as it were, a certain natural appearance, and though it ought not to appear torpid in immoveable rigidity, it should yet generally be kept in that form which nature has assigned it. 102. But what we ought chiefly to understand in regard to pleading is, what *places*, *persons*, and *occasions*, require; for the greater part of figures are intended to please; but when a speaker has to labour to excite emotions of indignation, hatred, or compassion, who would endure to hear him raging, lamenting, or supplicating, in studied antitheses, balanced clauses, and similar cadences? Affected attention

* When we state the equity of our cause in as brief a form of argument as possible. Rutil. Lupus, ii. 3.

† C. 2, sect. 16.

‡ A description of the character or manners of a person, Rutil. Lup. ii 7.

§ See sect. 50.

‖ When we say that we forbear to state anything, yet express ourselves in such a way that it is understood. Rutil. Lup. ii. 11.

¶ When we make a bold attack on the judge. Rutil. Lup. ii. 18.

to words, in such cases, destroys all trust in his expression of feeling, and, wherever art shows itself, truth is thought to be absent.

CHAPTER IV.

Of composition, or cultivation of style; authority of Cicero acknowledged, § 1, 2. Attention to composition too much discouraged by some authors, 3, 4. In everything the powers of nature should be cultivated to the utmost, 5—7. Union of power with grace, 8, 9. Excellence of style serves not only to please but to convince the hearer, 10—13. This may be proved by altering the arrangement of words and phrases in elegant composition, 14, 15. Style not neglected by the ancients, 16—18. Prose may be more or less compact and studied, 19—21. Particulars that require attention in it, 22. Of order, 23—31. Of junctions of words, and of hiatus, 32—36. Of junctions of consonants and vowels, and the repetition of syllables, 37—43. Of members and commas, 44. Of numbers or rhythm, 45. Difference between rhythm and metre, 46—51. Of feet in prose; a remark of Cicero, 52—55. How far number or rhythm should be studied in prose, 56. Oratorical numbers or rhythm, 57—60. Attention to numbers most requisite at the beginnings and ends of periods, 61—65. What regard to be paid to the middle parts, 66—71. Of the occurrence of verses, or parts of verses, in prose, 72—76. Everything that sounds like metre should be avoided, 77, 78. Of feet, 79—86. All kinds of feet must enter into prose composition, 87—89. Are varied by union and division, 90, 91. The force and influence of particular feet, 92—94. Of the closing feet of periods, 95—109. Of the fourth pæon, 110, 111. A speaker must not be too solicitous about his measures, 112—115. The ear must judge; many things cannot be taught by rule, 116—121. Of commata, 122, 123. Of a period, and its members, 124—127. What kinds of sentences are eligible for particular parts of speeches, and for particular subjects, 128—130. What feet should prevail in certain sorts of composition, 131—137. Composition and delivery must be alike varied to suit different subjects, 138—141. A rough and forcible style preferable to the smooth and nerveless, 142—145. Concluding remarks, 146, 147.

1. On *composition* I should not presume to write after Cicero, (by whom I know not whether any part of oratory has been more carefully treated,) had not men of his own age,* in

* One of those meant is Brutus; see ad Att. xiv. 20. xv. 1. *Gesner.* See xii. 1, 22; 10, 12; also Dial. de Orat. c. 18. *Spalding.*

letters which they addressed to himself, ventured to criticise his style, and had not many writers, since his day, communicated to the world many observations on the same subject. 2. I shall however adhere to Cicero in general, and shall touch but briefly on such points as are undisputed; in some things I shall perhaps dissent from him. But even when I offer my own opinion, I shall leave my readers to form their own.

3. I know that there are some who would repudiate all attention to composition, and who contend that unpolished language, such as it happens to present itself, is both more natural and more manly. But if such persons say that that only is natural which originally sprung from nature, and which preceded culture, the whole art of oratory is at an end. 4. For men of the earliest ages did not speak with our exactness and care, nor had any knowledge of *preparing* an audience with an exordium, *enlightening* them with statements of facts, *convincing* them with arguments, and *exciting* them with appeals to their feelings. They were ignorant of all these arts, and not of composition merely; and if we ought to speak in no respect better than they, huts should never have been relinquished for houses, dresses of skins for decent apparel, or mountains and forests for cities. 5. What art too, we may ask, came to perfection at once? What is not improved by culture? Why do we prune our vines? Why do we dig about them? Why do we root out brambles from our fields, when the ground naturally produces them? Why do we tame animals when they are born untamed? But, in truth, a thing is most natural, when nature has allowed it to be brought into the best condition. 6. Should we say that what is unconnected is stronger than what is compact and well-arranged? If short feet, such as those of Sotadic and Galliambic metre, and others that wanton with almost equal licence in prose, diminish the force of our matter, this is not to be imputed to too much care in composition. 7. As the current of rivers is more forcible in a descending channel, which offers no obstruction to their course, than amidst rocks that oppose their broken and struggling waters, so language that is properly connected, and flows on with a full flood, is preferable to that which is rugged and fragmentary. Why, then, should they think that strength is relaxed by attention to beauty, when nothing attains its full strength without art, and beauty always accompanies art? 8. Do we not see that the spear,

which is hurled with the greatest effect, is also hurled with the most grace? The surer is the aim of those who direct arrows from the bow, the finer are their attitudes. In passages of arms, and in all the exercises of the palæstra, what blow is successfully avoided or aimed by him whose movements have not something artificial, and whose step is not assured by skill? 9. Thoughts, in like manner, appear to me to be aimed and impelled by studied composition, as javelins and arrows are by the thong * or the bowstring. The most learned, indeed, are of opinion that it is of the highest efficacy not only for giving pleasure, but for producing conviction; 10. because, in the first place, nothing can fairly pass into the mind which gives offence as it enters the ear, which is, as it were, the vestibule of the mind; and because, in the second place, we are adapted by nature to feel pleasure in harmony; otherwise, it would be impossible for the notes of musical instruments, which express nothing but meaningless sounds, to excite various emotions in the hearer. 11. In the sacred games, the musicians do not excite and calm the mind with the same strains; they do not employ the same tunes when a warlike charge is to be sounded, and when supplication is to be made on the bended knee; nor is there the same concert of signals when an army is going forth to battle, as when notice is given to retreat. 12. It was the custom of the disciples of Pythagoras, when they awoke in the morning, to excite their minds with the sound of the lyre, that they might be more alert for action; and to soothe themselves with it before they lay down to sleep, in order to allay any tumultuous thoughts that might have disturbed them.

13. If, then, there is such a secret force in mere melody and modulation, there must surely be the utmost power in the music of eloquence. As it makes a difference to a thought in what words it is expressed, so it makes a difference to words in what form they are arranged, either in the body of a sentence, or in the conclusion of it. Some thoughts, indeed, that are but of slight import, and expressed with but moderate force, beauty in the language conveying them sets off and recommends. 14. In short, let the reader take to pieces any sentence that he has thought forcibly, agreeably, or gracefully expressed,

* *Amentis.*] The *Amentum* was a thong attached to a javelin, that it might be hurled with greater force.

and alter the arrangement of the words, and all the force, agreeableness, and grace, will at once disappear. Cicero * has thus taken to pieces some of his own sentences in his *Orator;* as, *neque me divitiæ movent, quibus omnes Africanos et Lælios multi venalitii mercatoresque superârunt;* and some of the following periods; in which when you effect such disarrangement, you seem to throw, as it were, broken or ill-directed weapons. 15. Cicero † also corrects a sentence which he regards as having been composed inelegantly by Gracchus. This was very becoming in him: but for ourselves, we may be content with the task of rendering compact what has presented itself to us loosely while writing it. For as to seeking examples of incorrectness, which every one may find in his own compositions, to what profit would it be? I consider it quite enough to remark, that the more beautiful, in thought and expression, are the sentences that we take to pieces, the more their language appears disfigured; for the faultiness in arrangement is seen more clearly by the light of their brilliant phraseology.

16. At the same time that I admit, however, that the art of *composition*, I mean the perfection of the art, was the last that was attained by orators, I consider that it was counted among objects of study by the ancients as far as their skill had then reached; for not even Cicero himself, great as his authority is, shall persuade me that Lysias, Herodotus, and Thucydides felt but little solicitude about it. 17. They perhaps did not aim at the same sort of style as Demosthenes and Plato, (who however were quite unlike each other,) for the simple and delicate diction of Lysias was not to be vitiated by the introduction of fuller periods, as it would have lost the grace of its simple and unaffected colouring, which is seen in him in its highest excellence; and it would have lost also the credit which it commanded, as he wrote for others, and did not speak himself, so that his orations were necessarily made to appear plain and artless, a quality which is itself the effect of art. 18. As to history, which ought to flow on in a continuous stream, those clauses that break the course of oratory, those breathing-places so necessary in spoken pleadings, and those artificial modes of concluding and commencing sentences,

* Orat. c 70. The words are from his *Oratio Corneliana.*

† Ibid.

would have been but ill-suited to it. In the *speeches* of the historians, indeed, we may see something of similarity of cadence and antithetic arrangement. In Herodotus, assuredly, his whole style, as I at least think, has a smooth flow, and the very dialect which he uses has such a sweetness that it appears to contain within it some latent rhythmical power. 19. But of the diversity in styles I shall speak hereafter. At present, I shall notice some particulars that must first be learned by those who would compose with success.

There are, then, in the first place, two kinds of style; one compact, and of a firm texture; the other of a looser nature, such as is used in common conversation and in familiar letters, except when they treat of something above their ordinary subjects, as questions of philosophy, politics, and the like. 20. In saying this, I do not mean to intimate that the looser sort of style has not a certain measure, which is perhaps even more difficult to be observed than that of the other kind; (for the style of conversation and correspondence should not present perpetual recurrences of hiatus between vowels, or be destitute of rhythm,) but it does not flow in an unbroken stream, or maintain an exact coherence, or attach phrase to phrase; so that it has rather a lax connexion than none at all. 21. Such simplicity of style is sometimes becoming in pleading causes of an inferior kind; a simplicity which is not void of numerousness, but has it of a different sort from that of the higher oratory, and dissembles it, or rather observes it less ostentatiously.

22. The more compact kind of style has three principal parts: *phrases*, which are by the Greeks called κόμματα; *members*, or κῶλα: and *periods*, for which the Latin term is *ambitus*, *circumductum*, *continuatio*, or *conclusio*. But in all composition there are three particulars necessary to be observed, *order*, *junction*, and *rhythm*.

23. Let us first, then, speak of *order*, regard to which is to be had in the use of words both separate and in conjunction. Words taken separately we call ἀσύνδετα. In respect to these, we must be cautious that they do not decrease in force, and that a weaker be not subjoined to a stronger, as *thief* to *temple-spoiler*, or *insolent fellow* to *robber*; for the sense ought to increase and rise, as in the admirable words of Cicero,* *You*,

* Philipp. ii. 25.

with that throat, those sides, and that strength of your whole frame suitable for a gladiator, &c ; since the words are successively of larger meaning; but if he had commenced with the whole frame, he could not have proceeded with good effect to the sides and the throat. There is also another sort of order which we may call natural; thus we should say *men* and *women*, *day* and *night*, *rising* and *setting*, rather than the reverse way. 24. Some words, when their position is changed, become superfluous, as in *fratres gemini;* for if *gemini* is put first, it is not necessary to add *fratres*. The solicitude of certain writers, who desired that nouns should be prefixed to verbs, verbs to adverbs, nouns to adjectives and pronouns, was absurd; for the contrary is often done with the happiest effect. 25. It is a proof of too great scrupulosity, also, to put that always first which is first in the order of time; not that this order is not frequently to be preferred, but because that which precedes is often of the greater importance, and ought consequently to be put after what is of less. 26. To close the sense with the verb, is by far the best, if the composition will allow; for the force of language lies in verbs. But if that order is attended with harshness of sound, it must yield to a more harmonious arrangement, as is very often the case among the most eminent orators both Greek and Latin. Doubtless every verb that is not at the end, causes a *hyperbaton;* but this is admitted among tropes and figures, which are considered as beauties. 27. Words indeed are not arranged by feet, and may therefore be transferred from one place to another, so as to be joined with those to which they are most suitable; as, in piling together unhewn stones, their very irregularity suggests to what other stones they may be applied, and where they may rest. The happiest kind of composition, however, is that in which a judicious order, proper connexion, and harmony of cadence, are found combined. 28. But some transpositions are carried to too great a length, as I have observed in the preceding books,* and give rise at times to faults in construction, being adopted merely in sport or wantonness; as these phrases of Mæcenas,†

* See viii. 2, 14. But I wonder that he should have made so indefinite a reference, as if he were looking back to several passages. Perhaps, however, he did not well remember where he had made the observation. *Spalding.*

† On the fantastical niceties of style, which the ancients disliked in

Sole et aurora rubent plurima. Inter sacra movit aqua fraxinos. Ne exequias quidem unus inter miserrimos viderem meas. What is the most objectionable in this passage, is, that the composition is flighty upon a grave subject.

29. There is sometimes an extraordinary force in some particular word, which, if it be placed, in no very conspicuous position, in the middle part of a sentence, is likely to escape the attention of the hearer, and to be obscured by the words surrounding it; but, if it be put at the end of the sentence, is urged upon the hearer's notice, and imprinted on his mind; as in the passage of Cicero, *Ut tibi necesse esset in conspectu populi Romani vomere postridie;* "That you were forced to vomit in the sight of the people of Rome the following day." * 30. Transfer the last word to some other place, and it will have much less effect; for, standing at the conclusion, it forms a point, as it were, to the whole sentence; adding, to the disgraceful necessity of vomiting, (when the audience expected nothing further,) the shamefulness of being unable to retain meat on his stomach the following day.† 31. Domitius Afer, again, used to put particular words at the end of his sentences, merely for the purpose of giving roughness to his style, especially in his exordia. Thus, in his speech for Cloantilla, he says, *Gratias agam continuo*, "I will thank you at once," and in that for Lælia, *Eis utrisque apud te judicem periclitatur Lælia*, "By both of these Lælia is brought into danger before you as judge." He was so little disposed to be studious of the nice and delicate gratifications of melody, that, even when harmony presented itself, he would put something in its

Mæcenas, see Meibom. Mæcen. cap. 23, whose notice, however, these fragments escaped; as well as another which is cited from his Symposium by Servius on Virgil, Æn. viii. 310, and which is quoted and corrected by Bentley on Hor. Od. iii. 21. *Burmann.* As Quintilian is speaking of transposition, Spalding supposes that *plurima* is to be taken as an ablative case with *aurora*. For the same reason we may suppose that *fraxinos* is to be taken with *inter*. For *movit* Spalding supposes that we should read *manet*. The sense will then be something like this: "[They] are red with the rays of the sun, and much light from the east. The sacred water flows amidst the ash trees. I would not, alone among the most miserable of men, see my own funeral rites." The three fragments appear to be unconnected.

* Philipp. ii. 25.

† La honte de n'avoir pu digérer en vingt-quatre heures les viandes dont il avait chargé son estomac. *Gedoyn.*

way to interrupt it. 32. That ambiguity may be produced by a faulty collocation of words, I suppose that nobody is ignorant. These few remarks I thought it necessary to make respecting order; for, if the order of a speaker's words be ill-judged. his style, though it be on the whole compact and harmonious, will nevertheless be justly characterized as deficient in elegance.

The next particular is *connexion*, which has reference to *words, phrases, members* and *whole sentences;* for all these have beauties and faults dependent on combination.

33. To proceed methodically, there are, in the first place, some faults so palpable that they incur the reprehension even of the illiterate; for instance, when two words, coming together, produce, by the union of the last syllable of the former with the first syllable of the latter, some offensive expression.* In the next place there is the clashing of vowels; for, when this occurs, the phrases gape, open, dispart, and seem to labour. Long vowels, especially when they are the same, have the very worst of sound in conjunction; but the hiatus is most remarkable in such vowels as are pronounced with a round or wide opening of the mouth.† 34. E has a flatter and I a closer sound; and consequently any fault in the management of them is less perceptible. The speaker who shall put short vowels after long will give less offence, and still less he who shall put short ones before long; but the least offence of all is given by the concurrence of two short. In fact, whenever vowels follow vowels, the collision of them will be more or less harsh, in proportion as the mode in which they are pronounced is more or less similar. 35. A hiatus of vowels, however, is not to be dreaded as any great crime; and indeed I know not whether too little or too much care in regard to it be the worse. The fear of it must necessarily be a restraint on an orator's efforts, and divert his attention from points of more consequence. As it is a mark of carelessness, therefore, to be constantly running into this fault, so it is a sign of littleness to be perpetually in dread of it; and it is not without reason that critics consider all the followers of Isocrates, and especially Theopompus,‡ to have felt too much solicitude as to this particular 36. As for Demosthenes and Cicero, they

* VIII. 3, 25. † Meaning the two vowels O and A.

‡ See Demetr. Phal. sect. 68; and Dionys. Hal. Epist. ad Pomp. d Platone, &c., sub. fin. p. 786 ed. Reisk.

paid it but moderate attention. Indeed, the amalgamation of two vowels, which is called *synalœpha*, may render a period smoother than it would be if every word retained its own vowel at the end. Sometimes, too, a hiatus is becoming, and throws an air of grandeur over what is said: as, *Pulchra oratione acta omnino jactare.* Besides, syllables that are long in themselves, and require a fuller pronunciation, gain something from the time that intervenes, as if for taking a rest, between the two vowels. 37. On this point I shall quote, with the utmost respect, the words of Cicero:* *The hiatus and concourse*, he says, *of open vowels has something soft in it, indicating a not unpleasing negligence, as if the speaker were more anxious about his matter than about his words.*

But consonants also are liable to jar with one another in the connexion of words, and especially such as are of a harsher nature; as S at the end of a word with X at the commencement of the following; and the hissing is still more unpleasant if two of these consonants clash together, as, *Ars studiorum.* † 38. This was Servius' reason, as I observed,‡ for cutting off the the letter S whenever it terminated a word, and was followed by another consonant; a practice which Lauranius § blames, and Messala defends; for they do not think that Lucilius retained the final S when he said, *Serenus fuit*, and *Dignus locoque;* and Cicero in his *Orator* || states that many of the ancients spoke in the same way. 39. Hence *belligerare* and *po'meridiem*, and the *Diee hanc* of Cato the Censor, the letter M being softened into E. Such modes of writing, when found in old books, persons of little learning are disposed to alter; and, while they think to censure the ignorance of transcribers, expose their own. 40. But the same letter M, when it terminates a word, and is in contact with a vowel at the commencement of the following word, so that it may coalesce with it, is, though it is written, hardly expressed; as, *Multum ille, Quan-*

* Orat. c. 23.

† Pithœus supposes that we should read *arx studiorum.*

‡ No commentator has been able to find any mention of this Servius, or of any passage in which Quintilian has alluded to the abstraction of the letter S. *Spalding.*

§ This name is probably corrupt. Obrecht reads Afranius, but in all probability incorrectly, as Burmann observes, for Afranius lived at an earlier period than Messala, and Quintilian most likely speaks of some of Messala's contemporaries.

|| C. 48.

tum erat; so that it gives the sound almost of a new letter: for it is not extinguished, but merely obscured, and is, as it were, a mark of distinction between the two vowels to prevent them from combining. 41. We must also take care that the final syllables of a preceding word, and the initial syllables of that which follows it, be not the same. That no one may wonder at such an admonition, I may remark that there has escaped even from Cicero, in a letter,* *Res mihi invisæ visæ sunt, Brute*, and in his verses,

O fortunatam natam me consule Romam.†

42. A number of monosyllables, too, have a bad effect in succession, because the language, from the many stops that it will occasion, will seem to proceed by fits and starts. For the same reason, also, a succession of short verbs and nouns should be avoided; and, on the other hand, of long ones, which make sentences heavy and slow. It is a fault moreover of the same class, when words of similar cadence, and of similar terminations and inflexions, are joined together. 43. Nor is it proper that verbs should be joined to verbs, or nouns to nouns, and the like, in a long succession, as even beauties themselves will tire, unless they are aided by the charms of variety.

44. The connexion of *members* and *phrases* does not require the same management as that of single words, (though the beginnings and endings of them should harmonize,) but it makes a great difference, as to *composition*, what is put first or last. Thus in the words *Vomens frustis esculentis gremium suum et totum tribunal implevit*,‡ the proper gradation is observed; but, on the other hand, (for I shall often use the same examples for different purposes, that they may be the more familiar.) in the phrases§ *Saxa atque solitudines voci respondent, bestiæ sæpe immanes cantu flectuntur atque consistunt*, there would be a better rise in the sense, if their order were inverted, for it is a greater thing that *rocks* should be moved than *beasts;* yet gracefulness of structure has ordered it the other way.

* Now lost. † See xi. 1, 24. Juvenal x. 122.

‡ Cic. Philipp. ii. 25. The words "the proper gradation is observed," are inserted from Gedoyn's version, the sense requiring something of the kind. § Cic. pro Archiâ, c. 8.

45. But let us pass on to *numbers;* for all *structure*, and *measure*, and *connexion of words*, is concerned either with numbers, (by numbers I wish *rhythm* to be understood,) or with *metres*, that is, certain dimensions of syllables.

46. But though both rhythm and metre are composed of feet, they have nevertheless several points of difference; for *rhythm*, that is *numbers*, consists of lengths of times; *metre*, besides length, requires the times to be in a certain order; and thus the one seems to refer to quantity, the other to quality. 47. Rhythm lies either in feet having two parts equally balanced, as the dactyl, which has one long syllable equal to two short; (there is, indeed, the same property in other feet, but the name of dactyl* is the most common;—that a long syllable consists of two times, and a short syllable of one, even children know;—) or in feet that have one part consisting of two times and another of three, as the first pæon, which is formed of a long syllable and three short, or its opposite, which is formed of three short syllables and one long; (or in whatever other way three syllables opposed to two make this sesquialteral proportion;) or in feet in which the one part is double of the other, as the iambus, which is formed of a short and a long syllable, or the trochee which is the reverse. 48. The same feet are used in metre, but there is this difference, that it is of no moment to the rhythm whether the dactyl has the first or last syllables short; for rhythm measures merely the time, its object being that the space from the raising to the lowering of the voice be the same. The measure of verses is altogether different; for there an anapæst or spondee cannot be put for a dactyl, nor can a pæon begin or end with short syllables indifferently. 49. Not only, indeed, does the regularity of metre refuse to admit one foot for another, but it will not, possibly, admit even one dactyl or one spondee for another.† Thus if, in the verse,

* Periods consisting chiefly of spondees and anapæsts are called *dactylic* by the rhetoricians, the knowledge of whom has been well disseminated, chiefly by the diligence of British critics. A book somewhat less known than many others on this subject is a treatise de Rhythmo Græcorum, which Dr. Cleaver, bishop of Chester, published at Oxford, anonymously, in 1789. *Spalding.*

† Thus, in the verse that follows, we could not for *panditur* substitute *carmina;* and so it might be with any spondee.

*Panditur interea domus omnipotentis Olympi,**

we change the order of the five dactyls, we destroy the metre altogether. 50. There are also the following differences: Rhythm has indefinite space, metre definite; metre runs in a certain circle, rhythm flows on as it has commenced, as far as the μεταβολή,† or point of transition to another kind of rhythm; metre is concerned only with words, rhythm is applied even to the motions of the body. 51. Rhythm also more easily admits blank times,‡ though these are found also in metre There is, however, still greater licence in music,§ where people measure time in their mind, and where they distinguish intervals by certain marks, with a stroke of the foot or the hand, and observe how many short notes such intervals contain, whence the terms *percussions* τετράσημοι, "of four times," πεντάσημοι, "of five times," and others still longer, for the Greek word σημεῖον denotes one time. 52. In the structure of prose the measure is more determined, and ought to be kept more apparent to every hearer.

Measure consists, accordingly, in metrical feet; and these so readily present themselves in prose, that, in writing it, verses of all kinds frequently escape us without our knowledge; and certainly|| there is nothing written in prose that may not be reduced into some sorts of verses or parts of verses. 53. But I have met with grammarians so fastidious, that they would force the syllables of prose composition into various measures similar to the verses of lyric poets.¶ 54. Cicero, it is true, observes in several places that the whole beauty of composition consists in numbers, and is in consequence censured by some writers, as if he wanted to bind prose down to

* Æn. x. 1. † See sect. 55.

‡ *Inania tempora.*] What is meant by this expression will be better understood by a reference to sect. 108. A short syllable may be in some degree lengthened by an *inane tempus* or pause after it. Thus in *turpe duceret* the syllable *pe* may be made long, as it were, by a pause between it and the following syllable *du*.

§ *Illic.*] Spalding seems right in understanding this adverb to refer to musical sounds.

|| For *contrà*, in the text, I read *certè* with Gallæus.

¶ *Qui* velut *Lyricorum quædam carmina in varias mensuras coegerunt.* The *velut* is Burmann's, and makes that intelligible which no critic could previously interpret.

rhythmical rules; for numbers are rhythm, as he himself asserts,* and Virgil who followed him,

Numeros memini, si verba tenerem,†
I have the numbers, if I knew the words,

and Horace,‡

Numerisque fertur
Lege solutus,
And rushes on in numbers freed from law.

55. They attack, accordingly, that passage of Cicero,§ among others, in which he says, that *the thunderbolts of Demosthenes would not have vibrated with so much force, if they had not been hurled and impelled in numbers.* If, by this expression, he means *impelled by rhythm*, I am not of his opinion, for rhythm, as I said,‖ has no certain limit, nor any variety in its course, but runs on to the end with the same elevations and depressions with which it commenced. But prose will not stoop to be measured by taps of the fingers. 56. This Cicero himself understood very well, for he frequently remarks, that he desires prose to be numerous only so far that it should be rather not ἄῤῥυθμος, (which would be a mark of ignorance and barbarity,) than ἔνῤῥυθμος, or poetical; just as we do not wish men to be *palæstritæ*, and yet do not wish them to be such as are called ἀπάλαιστοι.

57. But the regular flow of a period, which results from the combination of feet, requires some name. What name can be better, then, than number, that is, *oratorical* number, as an enthymeme is called an oratorical syllogism? For my own part, that I may not fall under the censure which not even Cicero has escaped,¶ I request that, wherever I use the term *number* to signify regular composition, and wherever I have already used it in that sense, I may be considered to mean *oratorical number.*

58. As to *collocation*, its business is to connect words already chosen and approved, and such as are, as it were, consigned to it; for words rudely united are better than words

* Orat. c. 20.
† Virg. Ecl. ix. 45.
‡ Od. iv. 2, 11.
§ Orat. c. 70.
‖ Sect. 50. Quintilian therefore admits, as Gesner remarks, some difference between *rhythm* and *number*. All rhythm is number, but all number is not rhythm. Comp. sect. 57. *Spalding.* There was therefore something more than rhythm in the language of Demosthenes.
¶ See sect. 53.

that are useless. Yet I would allow a speaker to select some words, for the sake of euphony, in preference to others, provided he select from such as are of the same signification and force, and to add words, on condition that he does not add such as are superfluous, and to take away, so that he does not withdraw any that are necessary; I would permit him also to vary cases and numbers by means of figures, since variety, which is frequently adopted for embellishing composition, pleases even independently of anything else. 59. When reason, too, pleads for one word, and custom for another, let composition choose which of the two it thinks proper, *vitavisse* or *vitâsse*, *deprendere* or *deprehendere*. Nor am I unwilling to admit coalescence of syllables,* or anything that is not prejudicial to the thought or the expression. 60. The triumph of art, however, in this department, is to understand what word is most suitable for any particular place; and he will construct his sentences best who shall best observe this, though not merely† with a view to structure.

But the management of feet in prose, it should be observed, is much more difficult than in verse; first, because a verse is included in a comparatively small number of words, while prose often runs in long periods; and, secondly, because verse is always in some degree uniform, and flows in one strain, while the language of prose, unless it be varied, offends by monotony, and convicts itself of affectation. 61. Numbers, indeed, are dispersed throughout the whole body, and, so to speak, *course*, of prose; for we cannot even speak but in short and long syllables, of which feet are composed. It is at the close of periods, however, that regard to numbers is more requisite, as well as more observable, than anywhere else; first, because every body of thought has its limit, and requires a natural interval to separate it from the commencement of that which follows; and, secondly, because the ear, having listened to a continuous flow of words, and having been led on, as it were, by the current of the speech, is better able to form a judgment when the stream comes to a stop, and gives time for consideration. 62. There should be nothing, therefore, harsh

* See sect. 36.

† I read *qui hoc* non *solùm componendi gratiâ facit*. Rollin, Gedoyn, and Spalding all saw the necessity of the *non*, though no one of them ventured to insert it in his text.

or abrupt in that part where the mind takes breath, as it were, and is recruited. The close of the period is the natural resting-place of the speech; it is this that the auditor expects, and it is here that approbation bursts forth into applause.

The beginnings of periods demand a degree of care next to that which is required for the close of them; for to them also the hearer pays strict attention. 63. But the management of them is less difficult; for they have no close connexion with what precedes, but merely refer to it so far as to take a starting-point from it, with whatever descent towards the close; though this descent must be graceful, for the close will lose all its charms if we proceed to it by a rough path. Hence it happens that, though the language of Demosthenes is thought to be unobjectionably euphonious in the words, Πρῶτον μὲν, ὦ ἄνδρες Ἀθηναῖοι, τοῖς θεοῖς εὔχομαι πᾶσι καὶ πάσαις, * "In the first place, Athenians, I pray to all the gods and goddesses," and in the phrase (which, as far as I know, has been disliked by nobody but Brutus,† and has satisfied every one else) κἂν μήπω βάλλῃ μηδὲ τοξεύῃ, "even though he does not yet throw or shoot," 64. the critics find fault with Cicero in regard to *Familiaris cæperat esse balneatori*, "he had begun to be familiar with the bath keeper," and *Non nimium dura archipiratæ*, "not too severe to the private captain;" for though *balneatori* and *archipiratæ* are terminations similar to πᾶσι καὶ πάσαις and μηδὲ τοξεύῃ, yet the words of Demosthenes are more studied; 65. and there is something in the circumstance, too, that, in Cicero, two feet are included in one word; a peculiarity which, even in verse, has much of nervelessness, not only when a word of five syllables ends a verse, as *fortissima Tyndaridarum*.‡ but even when the concluding word consists of but four, as *Apennino*,§ *armamentis*,‖ *Orione*.¶ 66. We must, accordingly, take care not to use words of several syllables at the close of a period.

As to the middle parts of periods, we must not only take care that they cohere, but that they be not drawling or prolix, and also, what is a great vice of the present day, that they do

* De Coron. init.

† Where Brutus censured these words of the third Philippic we do not know. *Spalding.*

‡ Horat. Sat. i. 1, 100. § Pers. Sat. i. 95. Ov. Met. ii. 226.

‖ Ovid. Met. xi. 456. ¶ Æn. iii. 517.

not, from being composed of a number of short syllables, proceed by starts, as it were, and make a sound like that of children's rattles. 67. For though the beginnings and endings of periods are of the most importance, inasmuch* as it is there that the sense commences and concludes, yet there is also, here and there, a stress in the middle parts, which causes a slight pause, as the foot of a runner, though it does not stop, yet leaves an impression. Hence, not only members and phrases ought to be well begun and ended, but even in the parts which are closely connected, and allow no respiration, there ought still to be certain, almost imperceptible, rests. 68. Who can doubt, for example, that there is but one thought in the following words, and that they ought to be pronounced without respiration, *Animadverti, judices, omnem accusatoris orationem in duas divisam esse partes*:† yet the first two words, the next three, the two following, and the last three, have respectively, as it were, their own numbers, which allow relief to the breath; at least so it is thought by those who are studious of rhythm. 69. In proportion as these short divisions, too, are *grave* or *spirited*, *slow* or *quick*, *languid* or *lively*, the periods composed of them will be *severe* or *effeminate*, *compact* or *lax*.

70. The ends of phrases, we may observe, appear sometimes lame and loose, when they are considered as they stand by themselves, but are upheld and supported by the words that follow them; and thus that which would be faulty as a close is corrected by continuation. The phrase *Non vult populus Romanus obsoletis criminibus accusari Verrem*,‡ is harsh if you stop at the end of it; but when it is joined to that which follows, *nova postulat, inaudita desiderat*, (though disunited in sense,) the course of the whole is unobjectionable. 71. The words, *Ut adeas, tantum dabis*.§ would form a bad close, for they are the ending of a trimeter iambic verse, but there follows, *ut cibum vestitumque inferre liceat, tantum*, which, still abrupt, is strengthened and supported by the conclusion, *nemo recusabat*.

72. The occurrence of *a whole verse* in prose has an extremely bad effect, and even a *part* of one is unpleasing; especially if the latter half of a verse presents itself at the

* The text has *quoties*, but we must read *quatenus*, as Spalding remarks.

† Cicero pro Cluent. c. 1.

‡ In Verr. v. 44.

§ In Verr. v. 45.

close, or the former half at the beginning of a period. As to the reverse, it is often not without grace; for the first part of a verse sometimes forms an elegant conclusion to a sentence, provided it be confined to a few syllables, and chiefly those of the iambic trimeter or tetrameter. 73. *In Africâ fuisse* is the beginning of a senarius, and closes the first member of the speech for Quintus Ligarius. *Esse videatur*, which is now too much in use, is the beginning of an octonarius.* Of a like nature, are the expressions of Demosthenes, πᾶσι καὶ πάσαις· καὶ πᾶσιν ὑμῖν· ὅσην εὔνοιαν, and throughout almost all the exordium of the speech against Ctesiphon. 74. The ends of verses, also, are very suitable for the commencements of periods; as *Etsi vereor, judices,** and *Animadverti, judices.*† But the beginnings of verses are not suitable for the beginnings of periods; though Livy commences his history with the commencement of a hexameter, *Facturusne operæ pretium sim;* for so he published it; and it is better so than as it has been corrected.‡ 75. Nor are endings of verses proper for the endings of periods; though Cicero says, *Quò me vertam nescio,*§ which is the end of an iambic trimeter. We may call such a verse a trimeter or senarius indiscriminately; for it has six feet and three percussions. The end of a hexameter forms a still worse conclusion; of which Brutus gives an example in one of his letters,‖ *Neque illi malunt habere tutores aut defensores, quanquam sciunt placuisse Catoni.* 76. Iambic verses are less observable, because that kind of verse is nearer akin to prose. Such verses, accordingly, often escape us unawares; Brutus, through his very anxiety for elegance in composition, makes them very frequently; Asinius Pollio not seldom; and even Cicero himself, at times, as in the commencement of his speech against Lucius Piso, *Pro dii immortales, quis hic illuxit dies?* 77. But we must avoid with equal care whatever is ἔνρυθμον, or metrical, as in that of Sallust,¶ *Falsò queritur de naturâ suâ;* for though prose should

* The tetrametar trochaic, which Cicero, Tusc. Disp. i. 44, calls *septenarius.* Spalding.

† Cic. pro Mil. c. 1. ‡ Cic. pro Ligar. c. 1, and pro Cluent. c. 1.

§ Namely *Facturusne sim cperæ pretium;* as it appears, says Drakenborch, in most manuscripts.

‖ Pro Ligar. c. 1. ¶ Not extant,

** Bell. Jug. init. They are the last five feet of a trimeter iambic. *Spalding.*

be bound, it should nevertheless appear free. 78. Yet Plato, though most careful in his composition, could not avoid such faults at the very commencement of his *Timæus;** for you may find there, first of all, the commencement of a hexameter verse; then you may form an Anacreontic, and, if you please, a trimeter iambic, and what is called by the Greeks a *penthemimer*, consisting of two feet and a half. All this is in a very few words. There has also escaped from Thucydides† a phrase of the softest kind of metre, ὑπὲρ ἥμισυ Κᾶρες ἐφάνησαν.

79. But since all prose, as I said,‡ consists of feet, I shall add some remarks on them also; and as different names are given them by different authors, we must settle, in the first place, by what name each is to be called. On this head I shall follow Cicero,§ (for he followed the most eminent of the Greeks,) excepting that a foot, in my opinion, does not exceed three syllables, though he admits the *pæon* and the *dochmius*, of which the former extends to four and the latter to five feet; but does not omit to notice, at the same time, that they are regarded by some as *numbers*, not *feet*. 80. Nor is this opinion unreasonable; for whatever exceeds three syllables contains more than one foot. Since, then, there are four feet that consist of two syllables, and eight of three, I shall call that which consists of two long syllables, a *spondee;* that which has two short, a *pyrrhic* (some call it a pariambus);‖ that which has a short and a long syllable, an *iambus;* the contrary to it, formed of a long and a short, a *choreus*, not, as others term it, a trochee. 81. Of those, again, which consist of three syllables, that which is formed of a long and two short, is universally called a *dactyl;* that which contains an equal number of times, but in the reverse order, an *anapæst*

* The words are Εἷς, δύο, τρεῖς· ὁ δὲ δὴ τέταρτος ἡμῶν, ὦ φίλε. The portions of verses which Quintilian mentions are made thus:—

Εἷς· δύο | τρεῖς. Beginning of a hexameter.
ὁ δὲ δὴ | τέταρ|τος ἡμῶν. Anacreontic.
δύο τρεῖς | ὁ δὲ δὴ | τέταρ|τος ἡ | μῶν, ὦ | φίλε. Trimeter iambic.
Εἷς δύο | τρεῖς ὁ δὲ | δή. Dactylic penthemimer.

† I. 8. The words approach very closely to the soft languor of the Galliambic measure, starting forth, after the short impetus of an anapæst, into two third pæons. *Spalding.*

‡ Sect. 52. § Orat. c. 64, 65.

‖ Because it has one time less than an iambus, this being denoted by the Greek preposition παρά.

A short syllable between two long forms an amphimacer, out the name more commonly given it is *cretic*. 82. A long syllable between two short is called an *amphibrachys;* two long syllables following a short, a *bacchius;* two long preceding a short a *palimbacchius*. Three short syllables make a *trochee*, which those who give the name trochee to the choreus, choose to call a tribrach; three long make a *molossus*. 83. Of these feet, there is no one that has not a place in prose composition; but such as are fuller in times, and stronger in long syllables, give proportionably more weight to language; short syllables give it celerity and briskness. Each sort is useful in its proper place; for gravity and slowness, when there is need of rapidity, and quickness and precipitation, when there is need of solemnity, are justly and equally reprehensible. 84. It may be of importance to remark, also, that some long syllables are longer than others, and some short syllables shorter than others; so that, though no long syllables appear to have more than two times, nor any short syllables less than one time, (and hence all short syllables, and all long, when arranged in metre, are accounted equal one to another respectively,) yet there are almost imperceptible differences in them, some seeming to contain more and some less. As to verses, they have their own peculiarities, and in them, accordingly, some syllables are common. 85 Nature,* indeed, allows a vowel to be either short or long, as well when it stands alone, as when it precedes two or three consonants; but, in the measuring of feet, a syllable that is short, with another that is short following it, but which has two consonants at the commencement, becomes long; as,

Agrestem tenui musam meditaris avenâ.†

* This part is not very intelligible. The text of all the editions is, *Veritas verò, quia patitur æquè brevem esse vel longam vocalem, quum est sola, quàm quum eam consonantes una pluresve præcedunt, certè in dimensione pedum*, &c. Spalding proposes to read, *Veritas* utique *patitur æquè brevem esse vel longam vocalem quum est sola, quàm quum consonantes* binas tresve præcedit, ceterum, &c. I have translated the passage in conformity with these emendations. *Pedestrem, equestrem, silvestrem* furnish examples of a vowel before three consonants. "Veritas," says Gesner, is "natura ipsius rei de quâ agitur."

† This is no exact quotation from Virgil: there is *Silvestrem tenui musam meditaris avenâ*, Ecl. i. 2, and *Agrestem tenui meditabor arundine musam*, Ecl. vi. 8; Gesner supposes that Quintilian confused the two in his memory.

86. *A* is short; and *gre* is short,* yet makes the syllable preceding it long, and therefore communicates to it a portion of its own time.† But how could it do so, unless it had more time than the very shortest of syllables, such as it would itself be if the consonants *st* were withdrawn? As it is, it lends one time to the syllable that goes before it, and borrows one from that which follows it; and thus the two syllables by nature short become possessed of four times by position.

87. But I wonder that certain writers, and some of the greatest learning, should have entertained the opinion that they ought to choose some feet for prose and reject others, as if there were any foot that must not at times enter into prose composition. Although, therefore, Ephorus‡ delights in the pæon, which was invented by Thrasymachus‖ and approved by Aristotle, and in the dactyl, as being happy compounds of short and long syllables, while he shuns the spondee and the trochee, objecting to the slowness of the one and the rapidity of the other; 88. although Aristotle thinks the heroic foot, that is, the dactyl, is more suitable for lofty subjects, and the iambus for those of common life, and dislikes the trochee as too flighty, giving it the name of a dancing measure;§ and although Theodectes and Theophrastus express similar opinions, and, subsequently to them, Dionysius of Halicarnassus; 89. yet the feet to which they object will force themselves upon them in spite of their utmost efforts, and they will not be able constantly to use their dactyl or their pæon, the latter of which they commend most, because it rarely forms a verse.

* Short by nature only; by position it is long. *Capperonier.*

† The two syllables, as Quintilian afterwards says, become long, or possessed of four times, and "*gre*," says Gesner, "gives one time to the preceding *a*, while, on the other hand, it receives one time from the following syllable *sten*, which would itself be short but for being lengthened by a consonant following it." But in all this, as he observes, there is something which Roman ears might comprehend, but which ours do not catch.

‡ Cicero Orat. c. 57.

§ Quintilian seems to mean that Thrasymachus first gave name to the pæon as a foot. That it was liked by Aristotle appears from Cicero de Orat. iii. 47, and Aristotle Rhet. iii. 84.

‖ *Eique cordacis nomen imponunt.*] The *cordax* was a light dance used in comedy. That Aristotle gave this name to the trochee appears from Cicero Orat. c. 57.

It is not, however, the mere *choice* of words, which cannot be altered as to quantity, or made long or short like syllables in music, that will render the recurrence of certain feet more or less frequent, but the arrangement and combination of them after they are chosen.

90. Most feet, indeed, arise from the connexion or separation of words; hence different feet may be formed from the same words; and I remember that a poet, of no mean repute, wrote, in sport,

Astra tenet cœlum, mare classes, area messem,

a verse which, read backwards, becomes a Sotadic* verse. So a trimeter iambic may be formed from a Sotadic read backwards:

Caput exeruit mobile pinus repetita.

91. Feet are consequently to be intermixed; and we must take care that those which are of a pleasing kind form the greater number, and that the less agreeable be hidden, as it were, in a crowd of the better sort. The nature of letters and syllables cannot be changed, but much effect may be produced by studying that those may be associated which are best adapted to each other. Long syllables, as I remarked, have more impressiveness and weight; short ones more lightness. Short syllables, if they are mixed with long, may be said to run; if they are continued in unbroken succession, to bound. 92. Feet that rise from short syllables to long are more spirited in sound; those which descend from long to short, more gentle. It is best to commence with long syllables; but we may sometimes commence very properly with short; as, *Novum crimen*,† or, what is milder in sound, *Animadverti, judices.*‡ words which are happily repeated at the commencement of the speech for Cluentius, since such a beginning has something of similarity to partition, which requires speed. 93. The close of a period, too, may very well be composed of

* So called from Sotades, a poet who wrote much in it, and consisting of three Ionics *à majore* and a half. The word *adjuret* in the text, *Sotadeo adjuret retro trimetros*, is probably corrupt, though Badius Ascensius, as Spalding observes, has endeavoured to explain it by *adjungat se tanquam jurejurando*, in allusion probably to the words of Horace, *Alterius sic Altera poscit opem res et conjurat amicè.*

† Cic. pro Ligar. init. ‡ Cic. pro Cluent. init.

long syllables; though short ones may also form a conclusion; the length of the last syllable is regarded as indifferent. I am not ignorant that a short syllable, at the end of a sentence, is accounted as long, because the time in which it is deficient is in some degree supplied from that which follows it; but, when I consult my own ears, I feel that it makes a great difference whether the concluding syllable be really long, or only be accepted as long. For example, the conclusion, *Dicere incipientem timere*,* is not so full in sound as *Ausus est confiteri*.‡ 94. Yet if it makes no difference whether the last syllable be long or short, the same foot will close both; but to me the latter has, I know not how, the air of sitting down, the former that of merely stopping. Hence some have been induced to assign three times to a long final syllable, in order that that time which a short syllable following a long one takes from it, might be added to the long syllable. Nor is it only of importance what foot is last in the period; it is also of consequence what foot precedes the last. 95. It is not necessary, however, to take account of more than three feet from the end, (and *three* are not to be regarded unless they consist of fewer than three syllables, but poetical nicety is to be avoided,) or fewer than two;‡ if we go further back, the result will be *measure*, not *number*. But the one concluding foot may be a *dichoreus*, if that, indeed, be one foot which consists of two chorei. 96. Or it may be that *pæon* which consists of a choreus and a pyrrhic, and which is thought peculiarly fit for the commencement of a sentence; or it may be the other pæon which is of a contrary form, and which is deemed appropriate for the termination of periods; and it is these two pæons that writers on rhetoric generally mean when they speak of pæons; though they call other feet § consisting of three long syllables and one short by that name, in whatever order the short syllables, and the long one, occur. 97. Or it may be a *dochmius*, which is formed of a bacchius and iambus, or an iambus and cretic, and which is

* Cic. pro Mil. c. 1. † Cic. pro Ligar. c. 1.

‡ We may observe three dissyllabic feet from the end; but not more than two trisyllabic feet. See Cicero Orat. c. 64.

§ By other feet Quintilian means the second and third pæons, ⏑ – – –, – – ⏑ –, though this, as Spalding observes, is hardly to be elicited from the text. The word *omnes* I have not translated. *Rationem*, says Spalding, is doubtless equivalent to *proportionem*.

‖ Sect. 65.

a firm and grave foot for the close of a period. Or it may be a spondee, which Demosthenes has frequently used, and which has great stability; and a cretic may very happily precede it, as in these words, *De quâ ego nihil dicam, nisi depellendi criminis causâ.** This exemplifies what I said above,† that it makes a great difference whether the two concluding feet are contained in one word, or whether each consists of a single word. Thus *criminis causâ* is forcible; *archipiratæ* ‡ soft; and the softness becomes still greater when a tribrach precedes the spondee, as *facilitates, temeritates.* 98. For there is a certain portion of time latent between the syllables of a word when it is divided, as in the spondee which forms the middle part of a pentameter, which, unless it consists of the final syllable of one word, and the initial syllable of the next, constitutes no part of a regular verse. To the spondee, too, though with less effect, may be prefixed an anapæst, as, *Mulière non solùm nobili, verùm etiam notâ.* 99. So the anapæst and the cretic, as well as the iambus which is found in both, but is shorter than either by a syllable, may very well precede the spondee, for thus one short syllable will be prefixed to three long. A spondee also may very properly go before an iambus, as *Iisdem in armis fui.*§ A spondee and bacchius, too, may be prefixed to the iambus, since the conclusion will then be a dochmius, as *In armis iisdem fui.* 100. From what I have just shown,‖ it appears that a molossus is very suitable for the conclusion, provided that it has a short syllable, belonging to any foot whatever, before it; as, *Illud scimus, ubicumque sunt, esse pro nobis.*¶ 101. If a pyrrhic precedes the spondee, it will have less gravity; as, *Judicii Juniani;*** but the effect will be still worse if a pæon precedes; as, *Brute, dubitari* †† (unless we regard this rather as a dactyl and a bacchius). Two spondees can scarcely ever be used in succession, (such a termination being remarkable even in a verse,) unless when they may be made to consist, as it were, of three members; as, *Cur de perfugis nostris copias comparat is contra nos?*‡‡ where we have one syllable, then two, and then one. 102. Nor can a dactyl be properly prefixed to a spondee, because we dislike

* Cic. pro Cæl. c. 13. † Sect. 65. ‡ Ibid. § Cic. pro Ligar. c. 3.
‖ Sect. 99. *Spalding.* ¶ Whence these words come, is unknown.
** Cic. pro Cluent. c. 1. †† Cic. Orat. c. 1.
‡‡ Ib. c. 66. The words are from a speech of the orator Crassus.

the end of a verse at the end of a sentence in prose. The bacchius may conclude a period, and may be doubled, as *Venenum timeres;** and it likes a choreus and spondee to be before it, as, *Ut venenum timeres.* The palimbacchius, also, will form a very proper ending, unless we wish the last syllable to be long; and it will take a molossus before it with very good effect, as *Civis Romanus sum,*† or a bacchius, as, *Quod hic potest, nos possemus.*‡ 103. But it is more proper to say that these phrases are terminated by a choreus with a spondee preceding, for the rhythm lies chiefly in the words *Nos possemus*, and *Romanus sum.* The dichoreus may also form a conclusion, that is, the choreus or trochee may be doubled, a termination which the Asiatics frequently use, and of which Cicero affords us this example, *Patris dictum sapiens temeritas filii comprobavit.*§ 104. The choreus will admit a pyrrhic before it, as, *Omnes prope cives virtute, gloriâ, dignitate superabat.* A dactyl, too, will form a good termination, or attention to the last syllable may make it a cretic, as, *Mulierculâ nixus in litore;*‖ and it will take before it, with very good effect, a cretic or iambus, but not a spondee, and still less a choreus. 105. An amphibrachys forms a very good ending; as *Quintum Ligarium in Africâ fuisse;* or we may prefer, by lengthening the last syllable, to make it a bacchius. The tribrach is not a very good ending, if the last syllable be accounted short, as it certainly must sometimes be, or otherwise how could a sentence end with a double trochee, which is a favourite ending with many? 106. From the tribrach, by lengthening the last syllable, is formed an anapæst; and by prefixing to it a long syllable it becomes a pæon, as, *Si potero*, and, *Dixit hoc Cicero,*¶ and, *Obstat invidia.* But rhetoricians have consigned the pæon to the beginnings of sentences. A pyrrhic will form a conclusion with a choreus preceding it, for the two form a pæon. But all terminations of periods formed of short syllables, will have less weight than those that consist of long;

* Cic. pro Cæl. c. 14.
† Cic. pro Ligar. c. 4.
‖ Cic. in Verr. v. 33.
† Cic. in Verr. v. 62.
§ Orat. c. 63.

¶ Whether these phrases were made by Quintilian himself merely for example, or quoted from any one else, it is of no importance to inquire. The first may be taken from Porcius Latro; see c. 2, sect. 91. Observe that the *o* in Quintilian's time was generally considered short; see viii. 6, 73. *Spalding.*

nor are they eligible, except where rapidity of language is required, and no stress is laid upon the close of the sense. 107. The cretic is excellent for the commencement of periods; as, *Quod precatus à diis immortalibus sum*,* and for terminations also, as, *In conspectu populi Romani vomere postridie*.† From the last of these examples it appears how properly an anapæst, or the pæon which is thought most suitable for conclusions, may precede the cretic; and a double cretic may also be used with very good effect, as *Servare quàm plurimos*.‡ This is better than if a trochee were to precede the cretic, as *Non turpe duceret*,§ where I shall suppose that the final syllable is considered as long. 108. Let us, however, make it *Non turpe duceres*. But in these words occurs the vacant interval of which I spoke;‖ for we make a short pause between the last word but one and the last, and lengthen the last syllable of *turpe* by the break; otherwise an extremely tripping kind of sound would be produced, like that of the end of an iambic verse, *Quis non turpe duceret?* So the phrase, *Ore excipere liceret*,** if it be pronounced without a pause, forms part of a free kind of verse,†† but uttered with certain intervals, and three commencements, as it were, it becomes full of gravity.

109. But in specifying the preceding feet, I do not lay down a law that no others are to be used, but merely show what effect is commonly produced by those which I have mentioned, and what‡‡ I thought best, for the moment, in each case. Let me add, that one anapæst following another produces but an ill effect, as being the conclusion of a pentameter,

* Pro Muræn. init.
† Cic. Philipp. ii. 25.
‡ Cic. pro Ligar. extr.
§ Cic. Philipp. ii. 25.
‖ Sect. 51.
** Cic. in Verr. v. 45.

†† *Lascivi carminis est.*] The Sotadic, we may suppose; see sect. 90. But it is not easy to determine. Spalding says that an *Ionic à majore* is followed by an *Ionic à minore*, or third pæon; but these will not constitute any exact part of a Sotadic verse. The reading in Cicero is *ore excipere sibi liceret*, which is equally irreconcilable with the Sotadic. In either way, however, the words end as a Sotadic, and Quintilian was thinking perhaps rather of resemblance than of exactness of measure. Spalding supposes that Quintilian quoted the words as they stood in his copy of Cicero, as they are given in the same form by Servius on Æn. iv. 685.

‡‡ I read *et* before *quod*, with Spalding, and *non quidem* for *et quidem*, a little below, with the same critic.

or the metre which takes its name from the anapæst;* as, *Nam ubi libido dominatur, innocentiæ leve præsidium est*;† for the synalæpha makes the two syllables sound as one. 110. The effect will be better if a spondee or a bacchius precede, as will be the case if we transpose the concluding words of the phrase just cited, and make it, *leve innocentiæ præsidium est.* The pæon which consists of three short and a long, has not, (though in this respect I dissent from some great authors,) many charms for me, for it is but an anapæst with a short syllable prefixed, as, *facilitas, agilitas.* Why it pleased those writers so much I do not understand; but possibly most of those who liked it were men that fixed their attention rather on the language of common life than on that of oratory.‡ 111. It likes to have before it a pyrrhic or trochee, as, *mea facilitas, nostra facilitas;* and even if a spondee be put before it, the conclusion§ will still be that of a trimeter iambic verse, as is that of the pæon itself. The pæon which has the syllables in the reverse order, is deservedly esteemed for the commencement of periods, for it has one syllable pronounced slowly and three rapidly. Yet I think that there are others better than it for that purpose.

112, This subject, however, has not been introduced with the intention that the orator, whose language ought to flow onward in a continued stream, should waste his energies in measuring feet and weighing syllables, for that would be the part of a mean mind, that occupies itself about trifles. 113 He, indeed, who should devote himself wholly to that study, would be unable to attend to things of more importance, but, disregarding force and beauty of thought, would employ himself, as Lucilius says,‖ in arranging words like the parts of a tesselated pavement, or mosaic work. Would not his ardour be thus cooled, and his force checked, as delicate riders break the pace of horses by shortening their steps?¶ 114. Numbers, surely, present themselves naturally in composition, and it is with prose as with poetry, which, doubtless, was at first

* Since the conclusion of the pentameter may be taken as two anapæsts.

† Crassus apud Cic. Orat. c. 65.

‡ *Quibus loquendi magis quàm orandi studium fuit.*] Compare sect. 88, 131.

§ *Finis.*] *i. e.* the last foot.

‖ Cic. de Orat. iii. 43. Orat. c. 44.

¶ *Asturcones* or *tolutarii equi* (palfreys or trotting horses) are meant; see Plin. H. N. viii. 42, 67. *Spalding.*

poured forth artlessly, originating in the measure of time by the ear, and the observation of portions of language flowing similarly; and it was not till after some time that feet were invented. Practice in writing, accordingly, will qualify us sufficiently for observing due numbers in prose, and enable us to pour them forth in a similar way extemporaneously. 115. Nor is it so much particular feet that are to be regarded, as the general flow of the composition; as those who make verses contemplate, not merely the five or six parts of which their lines are composed, but the whole sweep of their paragraphs. Verse had its being before the art of versification, and hence it is well said,

*Fauni vatesque canebant,**

The Fauns and prophets sang;

and the place, therefore, which versification holds in poetry, composition holds in prose

116. The great judge of composition is the ear, which is sensible of what fills it, misses something in whatever is defective, is offended with what is harsh, soothed with what is gentle, startled by what is distorted, approves what is compact, marks what is lame, and dislikes whatever is redundant and superfluous. Hence, while the learned understand the art of composition, the unlearned enjoy pleasure from it. 117. But some things cannot be taught by art; for instance, it is an excellent precept that a case must be changed, if, when we have commenced with it, it leads to harshness of construction; but can it be shown by rule to what other case we must have recourse? A diversity of figures is often a support to composition when it seems to flag; but of what figures, of speech, of thought, or of both? Can any certain directions be given on such points? We must look to opportunity, and ask counsel of the circumstances in which we are placed. 118 The very pauses, which have a great effect in oratory, by what judgment can they be regulated but that of the ear? Why are some periods, that are conceived in few words, sufficiently full, or even more than sufficiently, when others, comprised in many, seem curt and mutilated? Why, in some sentences, even when the sense is complete, does there appear to be still something of vacancy? 119. *Neminem vestrûm*, says Cicero,

* Cic. Orat. c. 51. By *vates* is meant augurs or any persons that delivered oracles or predictions.

*ignorare arbitror, judices, hunc per hosce dies sermonem vulgi, atque hanc opinionem populi Romani fuisse.** "I suppose that no one of you is ignorant, judges, that it has been the talk of the common people during several days past, and that it has been the opinion of the people of Rome in general," &c. Why does he use *hosce* in preference to *hos*, for *hos* would not be harsh? I should perhaps be unable to assign any reason, but I feel that *hosce* is the better. Why would it not have been sufficient to say simply, *sermonem vulgi fuisse?* The structure and sense would have admitted it. I cannot say; but, when I listen to the words, I feel that the period would be unsatisfactory without a clause to correspond to that which precedes. 120. It is to the judgment, therefore, that such matters must be referred. A person may be unable, perhaps, to understand exactly what is accurate and what is pleasing, yet he may act better under the guidance of nature than of art; but there is some degree of art in strict adherence to nature.

121. What is undoubtedly the business of the orator, is to understand on what subjects he must employ particular kinds of composition. This embraces two points for consideration; one having reference to feet; the other to periods composed of feet.

122. Of the latter I shall speak first I observed† that the parts of language are *commas*, *members*, and *periods*. A *comma*, according to my notion, is a certain portion of thought put into words, but not completely expressed; by most writers it is called a part of a member. The following examples of it Cicero‡ affords us: *Domus tibi deerat? At hab bas. Pecunia superabat? At egebas.* "Was a house wanting to you? But you had one. Was money superabundant with you? But you were in want." A comma may consist merely of a single word; as, *Diximus*, *Testes dare volumus*, "We said, We are willing to produce witnesses;" where *Diximus* is a comma. 123. A *member* is a portion of thought completely expressed, but detached from the body of the sentence, and establishing nothing by itself. Thus, *O callidos homines!* "O crafty men!" is a complete member, but, abstracted from the rest of the period, has no force, any more than the hand, or foot, or

* Cic. in Verr. i. 1.

† *Diximus*] We may refer, says Spalding, to sect. 60, 67, but I suspect that Quintilian wrote *dicimus*. ‡ Orat. 3. 67.

head, separated from the human body. So, too, *O rem excogitatam!* "O matter well considered!" When, then, do such members begin to form a body? When the conclusion is added: as, *Quem, quæso, nostrûm fefellit, id vos ita esse facturos?* "To which of us, I pray, was it unknown that you would act in this manner?" a sentence which Cicero thinks extremely concise. Thus commas and members are generally mixed, and necessarily require a conclusion. 124. To the *period* Cicero* gives several names, *ambitus*, *circuitus*, *comprehensio*, *continuatio*, *circumscriptio*. There are two kinds of it; one simple, when a single thought is expressed in a rather full compass of words; the other consisting of members and commas, which may contain several thoughts; as, *Aderat janitor carceris, et carnifex prætoris*, &c. 125. A period must have at least two members; the average number appears to be four; but it frequently admits of more. Its proper length is limited by Cicero† to that of about four iambic trimeters, or the space between the times of taking breath. It ought fairly to terminate the sense; it should be clear, that it may be easily understood; and it should be of moderate length, that it may be readily retained in the memory. A member longer than is reasonable, causes slowness in a period; such as are too short, give it an air of instability. 126. Whenever we have to speak with spirit, urgency, and resolution, we must speak in a mixture of members and commas; for such a style is of vast force in pleadings; and our language should be so nicely adapted to our matter that rough numbers should be applied to rough subjects, and the hearer should be as strongly affected as the speaker. 127. In stating facts, we may use chiefly members, or distinguish our periods into longer divisions, with a looser sort of connexion, except in those portions which are introduced, not to inform, but to embellish, as the abduction of Proserpine in one of the orations against Verres;‡ for a gentle and flowing sort of composition is suitable for such recitals. 128. Full periods are very proper for the exordia of important causes, where it is necessary to excite solicitude, interest, or pity. They are also adapted for moral

* Orat. c. 61.

† Orat. c. 66, where, however, Cicero says *hexameters*, not *iambics*. Spalding expresses surprise that Quintilian should have confounded the two.

‡ IV. 2, 19; xi. 3, 164; iii. 7, 27.

dissertations, and for any kind of amplification. A close style is proper when we accuse; a more diffuse one when we eulogize; and it is also of great effect in perorations. 129. But we are to make it our great care that this copious kind of style may be used when the judge not only thoroughly understands the case, but is captivated with the eloquence of the pleader, resigns himself wholly to its influence, and is led away by the pleasure which he experiences. History requires, not so much studied numbers, as a certain roundness and connectedness of style; for all its members are attached, as it rolls and flows along; as men, who steady their steps by taking hold of each others' hands, support and are supported. 130. All the *demonstrative* kind of eloquence requires free and flowing numbers; the *judicial* and *deliberative* kinds, as they are various in their matter, admit of proportionate variety in their style.

I must now treat of the second division of the two which I just now made.* Who doubts that some parts of a speech are to be uttered with slowness, others with rapidity, some in a lofty manner, others in a tone of argument, some in an ornate style, others with an air of simplicity? 131. Who doubts that long syllables are most suitable for grave, sublime, and demonstrative subjects? Calm topics require lengthening of the vowels; sublime and showy ones, fulness in the pronunciation of them; topics of an opposite kind, such as arguments, distinctions, jests, and whatever approaches nearer to common conversation, demand rather short vowels. 132. As to the exordium, we may vary the style of it as the subject may require; for I cannot agree with Celsus, who has given one set form for this part, and says that the best model of an exordium is to be found in Asinius: *If, Cæsar,† from among all men that are now alive, or that ever have lived, a judge could be chosen for the decision of this cause, no one would be more desirable for us than yourself.* 133. I do not deny that this commencement is excellently composed, but I cannot admit that such a form of commencement should be observed in all exordia; for the mind of the judge is to be influenced by various means; sometimes we would wish to excite pity, sometimes to assume an air of modesty, spirit, gravity, or

* Sect. 121.

† Augustus. But on what occasion the speech was delivered is unknown.

plausibility, sometimes to sway the judge to certain opinions, or to exhort him to pay diligent attention to us. As these objects are of various characters, each of them requires a different sort of language. Has Cicero used the same kind of rhythm in his exordia for Milo, for Cluentius, and for Ligarius?

134. Statements of facts require slower, and, if I may use the expression, more modest feet, and, in general, a mixture of all kinds. The style of this part is commonly indeed grave, but sometimes assumes elevation; its great object is to inform the judge, and to fix particulars in his mind; and this is not to be done by hasty speakers. To me it appears, that the whole narrative part of a speech admits of longer members than the other portions, but should be confined within shorter periods.

135. Arguments, too, that are of a spirited and rapid description, will require feet suited to their qualities, but among them they must not admit tribrachs, which will give quickness, but not force; though they should be composed, however, of short and long syllables, they should not admit more long than short.*

136. The elevated portions of a speech require long and sonorous syllables; they like the fulness of the dactyl also, and of the pæon, which, though it consists mostly of short syllables, is yet sufficiently strong in times. Rougher parts, on the contrary, are best set forth in iambic feet, not only because they consist of only two syllables, and, consequently, allow of more frequent beats as it were, a quality opposed to calmness; but because every foot rises, springing and bounding from short to long, and is for that reason preferable to the trochee, which from a long falls to a short. 137. The more subdued parts of a speech, such as portions of the peroration, call for syllables that are long indeed, but less sonorous.

Celsus represents that there is a superior kind of composition;† but if I knew what it was I should not teach it, as it

* The text appears to be unsound here. I have given what seems to be the sense.

† *Superiorem compositionem.*] "This," says Spalding, "is sufficiently obscure." None of the critics, indeed, know what to make of the passage. Burmann does not venture on a conjecture. Gesner was half inclined to read *supiniorem*, but this had been proposed even before the time of Regius, who rejected it; and the occurrence of the word

must necessarily be dull and tame. Unless it arises of itself, however, from the nature of our language and thoughts, it cannot be sufficiently condemned.

138. But, to make an end of this subject, we must form our language to suit our delivery. Is not our manner, in the exordium, generally subdued, unless, indeed, when, in making an accusation, we must rouse the feelings of the judge, and excite him to some degree of indignation?* Are we not, in narration, full and expressive; in argumentation, lively and animated, and spirited even in our action? Do we not, in moral observations and in descriptions, adopt a diffuse and flowing style; and, in perorations, one that is submissive, and sometimes, as it were, faltering? 139. Even the movements of the body have their rhythm; and the musical science of numbers applies the percussions of measured feet no less to dancing than to tunes. Is not our tone of voice, and our gesture, adapted to the nature of the subjects on which we speak? Such adaptation, then, is by no means wonderful in the rhythm of our language, since it is natural that what is sublime should march majestically, that what is calm should advance leisurely, that what is spirited should run, and that what is tender should flow. 140. Hence, when we think it necessary, we affect even tumour, which is best accomplished by the use of spondees and iambi:

En impero Argis: sceptra mihi liquit Pelops,†
Lo, I rule Argos: Pelops to me left
His sceptre.

141. But the comic senarius,‡ which is called trochaic, runs on rapidly by assuming several choreï, (which, by others, are called trochees,) and pyrrhics; but what it gains in celerity it loses in weight:

Quid igitur faciam? Non eam, ne nunc quidem?
What, therefore, shall I do? Not go? Ev'n now?§

supina in a subsequent part of the sentence renders it quite inadmissible. Spalding timidly suggests *superbiorem*, but this seems hardly consistent with what Quintilian says of this species of composition.

* IV. 3, 9.

† A verse from some old tragedy, quoted also by Seneca Ep. 80.

‡ This passage is unintelligible as it stands. Gallæus conjectures, for *senarius, septenarius*, supposing that the tetrameter trochaic, of seven feet and a half, may be meant. But the example given is an iambic trimeter.

§ Ter. Eun. i. 1, 1.

But what is rough and contentious proceeds better, as I said,* in iambic feet, even in verse:

Quis hoc potest videre? quis potest pati?
Nisi impudicus, et vorax, et alveo? †
Who can endure to see, who suffer this,
Except a rake, a glutton, cormorant?

142. In general, however, if I were obliged to make a choice, I should prefer language to be harsh and rough rather than excessively delicate and nerveless, such as I see in many writers; and, indeed, we grow every day more effeminate in our style, tripping, as it were, to the exact measures of a dance.‡ 143. It is a sort of versification to lay down one law for every species of composition; and it is not only a manifest proof of affectation, (the very suspicion of which ought carefully to be avoided,) but also produces weariness and satiety from uniformity; the sweeter it is, the sooner it ceases to please, and the speaker, who is seen to make such melody in his study, loses all power of convincing, and of exciting the feelings and passions; for the judge cannot be expected to believe that orator, or to be filled with sorrow or indignation under his influence, whom he observes to turn his attention from his matter to niceties of sound. 144. Accordingly, some of our composition should be purposely of a looser kind, so that, though we may have laboured it most carefully, it may appear not to have been laboured. But we must not cultivate such studied negligence so far as to introduce extravagantly long *hyperbata*,§ (lest we should make it evident that we affect that which we wish to seem to have done without affectation,) nor must we, above all, set aside any apt or expressive word for the sake of smoothness. 145. No word, in reality, will prove so unmanageable, that it may not find a suitable place in a period; but our object, to say the truth, in avoiding

* Sect. 136. † Catullus, Carm. 26.

‡ *Syntonorum modis saltitantes.*] *Syntona* are supposed to be the same as *scabilla*, a kind of musical instruments, which, when pressed with the foot, always gave the same tone, and to which they danced on the stage. Cicero pro Cæl. c. 27. The scabilla were inserted in the shoe of the performer; and the ordinary Greek name for them was κρουπέζια, Pollux, x. 33. It may be doubted, however, whether *syntonorum* in the text of Quintilian may not be of the masculine gender, from *syntonus*, equivalent to *syntonator*, which meant, perhaps, the leader of a band or chorus.

§ VIII. 6, 65.

such words is frequently not elegance, but ease, in composition.

But I do not wonder that the Latins have studied niceties of composition more than the Greeks, though they have less variety and grace in their words. 146. Nor do I call it a fault in Cicero, that he has differed in this respect from Demosthenes. But the difference between the Latin and Greek languages shall be set forth in my last book.*

Composition (for I hasten to put an end to a book that has exceeded the limits prescribed to it) ought to be *elegant*, *pleasing*, and *varied*. The particulars that require attention in it are three, *order*, *connexion*, and *rhythm*. 147. The *art* of it lies in adding, retrenching, and altering. The *quality* of it must be suited to the nature of the subjects on which we speak. The *care* required in it is great, but that devoted to thought and delivery should be greater. But all our care must be diligently concealed, in order that our numbers may seem to flow from us spontaneously, and not to be forced or studied.

* Ch. 10.

BOOK X.

CHAPTER I

Of reading for improvement, § 1—4. We have to acquire matter and words, 5—7. Facility in speaking is attained by exercise in it, and by reading, hearing, and writing, 8—15. Advantages of hearing and reading, 16—19. What authors should be read, and how, 20, 21. Improvement from reading speeches on both sides of a question, 22, 23. We are not to think even the greatest authors infallible, yet we must not be hasty in finding fault with them, 24—26. Of reading poets, 28—30. Historians, 31—34. Philosophers, 35, 36. Some benefit to be gained from the perusal of almost all authors, 37—42. General observations respecting ancient and modern writers, 43—45. Homer, 46—51. Hesiod, 52. Antimachus, 53. Panyasis, Apollonius Rhodius, 54. Aratus, Theocritus, 55. Pisander, Nicander, Tyrtæus, and others, 56. Of the elegiac poets, Callimachus, Philetas, Archilochus, 57—60. Of the lyric poets; Pindar, 61. Stesichorus, 62. Alcæus, 63. Simonides, 64. Of the old comedy; Aristophanes, Eupolis, Cratinus, 65. Of tragedy; Æschylus, Sophocles, Euripides, 66—68. Menander, Philemon, 69—72. Of history; Thucydides, Herodotus, Theopompus, and others, 73—75. Of orators; Demosthenes, Æschines, Lysias, Isocrates, Demetrius Phalereus, 76—80. Of the philosophers; Plato, Xenophon, Aristotle, Theophrastus, 81—84. Of the Roman poets, Virgil, Lucretius, Varro, Ennius, Ovid, and others, 85—90. Flattery of Domitian, 91, 92. Of Tibullus, Propertius, Ovid, Lucilius, Horace, Persius, Catullus, and others, 93—96. Latin writers of Tragedy, 97, 98. Of Comedy, 99. 100. Of History, 101—104. Of Latin Orators; Cicero, Asinius Pollio, Messala, and others, 105—122. Of Latin writers on Philosophy, especially Seneca, 123—131.

1. But these precepts of oratory, though necessary to be known, are yet insufficient to produce the full power of eloquence, unless there be united with them a certain efficient readiness, which among the Greeks is called ἕξις, "habit," and to which I know that it is an ordinary subject of inquiry whether more is contributed by writing, reading, or speaking. This question we should have to examine with careful attention, if we could confine ourselves to any one of those exercises; 2. but they are all so connected, so inseparably linked, with one another, that if any one of them be neglected, we labour in vain in the other two; for our speech will never become forcible and energetic, unless it acquires strength from great practice in writing, and the labour of writing, if left

destitute of models from reading, passes away without effect, as having no director; while he who knows how everything ought to be said, will, if he has not his eloquence in readiness, and prepared for all emergencies, merely brood, as it were, over locked up treasure.

3. Though some one quality, again, may be requisite above others, it will not necessarily, for that purpose, be chief in importance for forming the orator. For since the business of the orator lies in speaking, *to speak* is doubtless necessary to him before anything else; and it is evident that from speaking the commencement of the art arose; also that the next thing in order is *imitation*;* and, last of all, diligent exercise in writing. 4. But as we cannot arrive at the highest excellence otherwise than by initial efforts, so, as our work proceeds, those things which are of the greatest importance begin to appear of the least.

But I am not here saying how the orator is to be trained, (for that has been told already, if not satisfactorily, at least as well as I could,) but by what kind of discipline an athlete, who has already learned all his exercises from his master, is to be prepared for real contests. Let me, therefore, instruct the student, who knows how to invent and arrange his matter, and who has also acquired the art of selecting and disposing his words, by what means he may be able to practise, in the best and easiest possible manner, that which he has learned.

5. Can it then be doubted, that he must secure certain resources, which he may use whenever it shall be necessary? Those resources will consist in *supplies of matter and of words.* 6. But every cause has its own peculiar matter, or matter common to it with but few others; words are to be prepared for all kinds of causes. If there were a single word for every single thing, words would require less care, for all would then

* *Imitationem*] It would appear, from the place which this word occupies, that we ought to understand *lectio*, "reading," though how this can be included or implied in *imitatio*, I confess that I hardly see. Yet no commentator has hesitated at the word. Perhaps, as the reading of the best authors was adopted with a view to imitation, it became customary for diligent attention to books to be called *imitation*. Thus the work of Dionysius Halicarnassensis, in which he gave judgment on the ancient orators, and of which some portions only are left, appears to have been entitled *De Imitatione*, under which designation it is mentioned by the Scholiast on Hermogenes, *τὸ περὶ μιμήσεως*. See Taylor. Lect. Lys. p. 162. *Spalding.*

at once present themselves with the things to be expressed. As some, however, are more appropriate, or more elegant, or more significant, or more euphonious, than others, they ought all, not only to be known, but to be kept in readiness, and, if I may so express myself, in sight, so that, when they present themselves to the judgment of the speaker, the choice of the best of them may be easily made. 7. I know that some make a practice of learning by heart such words as have the same signification, in order that one word out of several may the more readily occur to them, and that, when they have used one of the number, they may, if it should be wanted again within a short space of time, substitute for it, for the sake of avoiding repetition, another from which the same thing may be understood. But this is a childish practice, attended with miserable labour, and productive of very little profit; for the learner merely musters a crowd of words, to snatch from it without distinction whichsoever first presents itself.

8. By us, on the contrary, our stock of words must be prepared with judgment, as we have a view to the proper force of oratory, and not to the volubility of the charlatan. But this object we shall effect by reading and listening to the best language; for, by such exercise, we shall not only learn words expressive of things, but shall learn for what place each word is best adapted. 9. Almost all words, indeed, except a few that are of indecent character, find a place in oratorical composition; and the writers of iambics,* and of the old comedy, are often commended for the use of words of that description; but it is sufficient for us at present to look to our own work. All sorts of words, then, except those to which I have alluded, may be excellently employed in some place or other; for we have sometimes occasion for low and coarse words; and such as would seem mean in the more elegant parts of a speech, are, when the subject requires them, adopted with propriety.

10. To understand words thoroughly, and to learn not only the signification of them, but their forms and measures,† and

* Inasmuch as the phallic verses were in iambic measure; as well as the furious effusions of Archilochus and Hipponax, whose character we know from Horace. *Spalding.*

† *Formas etiam mensurasque.*] *Formæ* seems to refer to declensions and conjugations; *mensuræ* to quantity, feet, and the rhythm of words in combination.

to be able to judge whether they are adapted to the places to which they are assigned, are branches of knowledge that we cannot acquire but by assiduous reading and hearing, since we receive all language first of all by the ear. Hence infants brought up, at the command of princes,* by dumb nurses and in solitude, were destitute of the faculty of speech, though they are said to have uttered some unconnected words.

11. There are, however, some words of such a nature that they express the same thing by different sounds, so exactly that it makes no difference to the sense which we use in preference to another; for instance *ensis* and *gladius*. There are others, again, which, though properly belonging to distinct objects, are yet by a trope, as it were, used for conveying the same idea; as *ferrum* and *mucro*.† 12. Thus, too, by a catachresis, we call all assassins *sicarii*,‡ whatever be the weapon with which they have committed slaughter. Some things, moreover, we indicate by a circumlocution, as *pressi copia lactis*.§ Many things, also, by a change of words, we express figuratively, as, for *I know*, we say *I am not ignorant*, or *It does not escape me*, or *It does not fail to attract my attention*, or *Who is not aware?* or *No man doubts*. 13. We may likewise profit by the near import of words, for *I understand*, *I perceive*, *I see*, have often just the same meaning as *I know*. Of such synonyms reading will furnish us with copious supplies, so that we may use them not only as they present themselves, but as they ought to be adopted. 14. For such terms do not always express exactly the same things; and though I may properly say "I see" in reference to the perception of the mind, I cannot say "I understand" in reference to the sight of the eyes; nor, though *mucro* indicates *gladius*, does *gladius* indicate *mucro*. 15. But though a copious stock of words be thus acquired, we are not to read or hear merely for the sake of words; for in all that we teach examples are more powerful || even than the rules which are

* Quintilian speaks as if this experiment had been several times made. But we find only one instance of it recorded; that of Psammetichus, king of Egypt, mentioned by Herodotus, ii. 2.

† *Ferrum* means any steel weapon; *mucro* the point of such weapon.

‡ From *sica*, a dagger or poniard.

§ "Plenty of pressed milk," for "cheese." Virg. Ecl. i. 81.

|| *Hoc sunt exempla potentiora.*] Spalding justly observes that *hoc* answers to *quia* which occurs below, quasi *propterea—quod*.

taught, (I mean when the learner is so far advanced that he can enter into the subjects without a guide, and pursue them with his own unassisted efforts,) inasmuch as what the master teaches, the orator exhibits.*

16. Some speeches contribute more to our improvement when we hear them delivered, others when we peruse them. He who speaks to us rouses us by his animation, and excites us, not by an artificial representation and account of things,† but by the things themselves. Every thing seems to live and move before us, and we catch the new ideas, as it were at their birth, with partiality and affection. We feel interested, not only in the event of the cause, but in the perilous efforts of those who plead it. 17. In addition to this, a becoming tone and action, a mode of delivery adapted to what particular passages require, (which is perhaps the most powerful element in oratory,) and, in a word, all excellent qualities in combination teach us at the same time. In reading, on the other hand, the judgment is applied with more certainty, for, when a person is listening to speeches, his own partiality for any particular speaker, or the ordinary applause of approving auditors, often deprives him of the free exercise of his judgment; 18. since we are ashamed to express dissent from others, and are prevented, by a sort of secret modesty, from trusting too much to ourselves, though what is faulty sometimes pleases the majority, and even what does not please is applauded by those who are engaged to applaud. 19. On the contrary, too, it sometimes happens that the bad taste of the audience does not do justice to the finest passages. But reading is free, and does not escape us with the rapidity of oral delivery, but allows us to go over the same passages more than once, whether we have any doubt of their meaning, or are desirous to fix them in our memory. Let us review, then, and reconsider the subject of our reading, and as we consign our food to our stomach only when it is masticated and almost dissolved, in order that it may be easier of digestion, so let what we read be committed

* We are not to read or hear merely to *get* words, but to observe at the same time *how they are used* by the best writers and speakers.

† *Imagine et ambitu rerum.*] By *ambitus*, says Spalding, Landsidelius understands "artificiosam comprehensionem atque explicationem rerum ad aucupandam gratiam." This seems to be the right interpretation, he adds, and suits very well with *imago*, as opposed to *res ipsæ*.

to the memory and reserved for imitation, not when it is in a crude state, but after being softened, and as it were triturated, by frequent repetition.

20. For a long time, too, none but the best authors must be read, and such as are least likely to mislead him who trusts them; but they must be read with attention, and indeed with almost as much care as if we were transcribing them; and every portion must be examined, not merely partially, but a whole book, when read through, must be taken up afresh, and especially any excellent oration, of which the merits are often designedly concealed; 21. for the speaker frequently prepares his audience for what is to follow, dissembles with them, and places ambuscades; and states in the first part of his pleading what is to have its full effect at the conclusion. Hence what is advanced in its proper place often pleases us less than it ought, since we are not aware why it is advanced; and all such passages, accordingly, ought to be perused again after we have read the whole. 22. But one of the most useful exercises, is to learn the history of those causes of which we have taken the pleadings in hand for perusal, and, whenever opportunity shall offer, to read speeches delivered on both sides of the same question; as those of Demosthenes and Æschines in opposition to each other; those of Servius Sulpicius and Messala, of whom one spoke for Aufidia,* and the other against her; those of Pollio and Cassius when Asprenas† was accused; and many others. 23. Even if the pleaders seem unequally matched, yet some of the speeches may be reasonably consulted in order to ascertain the question for decision, as the orations of Tubero against Ligarius‡ and of Hortensius on behalf of Verres,§ in opposition to those of Cicero. It will also be of advantage to know how different orators pleaded the same causes; for Calidius‖ delivered a speech concerning the house of Cicero; and Brutus wrote an oration in defence of

* IV. 2, 106.

† He was accused of poisoning by Cassius Severus, as appears from Pliny, H. N. xxxv. 46, and Suet. Aug. c. 56.

‡ V. 13, 20. § VI. 3, 98.

‖ Something concerning this orator, and his style of speaking, may be learned from Cicero Brut. c. 79, 80. He is also mentioned by Cæsar, B. C. i. 2; by Festus in *Suffes;* and by Eusebius, Chron. an. 1960. See also Quint. xi. 3, 155; xii. 10, 11, 39. *Spalding.* His oration, *De Domo Ciceronis,* was in favour of rebuilding the house of Cicero.

Milo, merely as an exercise;* Cornelius Celsus, indeed, thinks that Brutus spoke it, but he is mistaken. 24. Pollio and Messala, too, defended the same persons; and, when I was a boy, there were in circulation celebrated speeches of Domitius Afer, Crispus Passienus, and Decimus Lælius, in defence of Volusenus Catulus.†

Nor must he who reads feel immediately convinced that everything that great authors have said is necessarily perfect; for they sometimes make a false step, or sink under their burden, or give way to the inclination of their genius; nor do they always equally apply their minds, but sometimes grow weary; as Demosthenes seems to Cicero ‡ sometimes to nod, and Homer himself appears to Horace § to do so. 25. They are great men, indeed, but men nevertheless; and it often happens to those, who think that whatever is found in such authors is a law for eloquence, that they imitate what is inferior in them, (for it is easier to copy their faults than their excellences,) and fancy that they fully resemble great men when they have adopted great men's defects.

26. Yet students must pronounce with diffidence and circumspection on the merits of such illustrious characters, lest, as is the case with many, they condemn what they do not understand. If they must err on one side or the other, I should prefer that every part of them should please youthful readers rather than that many parts should displease them.

27. Theophrastus says that the reading of the poets is of the greatest use to the orator. Many others adopt his opinion; and not without reason; for from them is derived animation in relating facts, sublimity in expression, the greatest power in exciting the feelings, and gracefulness in personifying character;‖ and, what is of the utmost service, the faculties of the orator, worn out as it were by daily pleading in the forum, are best recruited by the charms of the works of such authors. Accordingly Cicero ¶ thinks that relaxation should be sought in that sort of reading. 28. But we must remember that poets are not to be imitated by the orator in every respect; not, for instance, in freedom of language, or unrestrained use of figures; that the style of poets is adapted for display, and,

* III. 6, 93. † Of him nothing is known. ‡ Orat. c. 29.
§ A. P. 359. ‖ See vi. 25; viii. 3, 22; iv. 2, 19; xi. 1, 44.
¶ Pro Arch. c. 6.

besides, that it aims merely at giving pleasure, and pursues its object by inventing not only what is false, but even sometimes what is incredible; 29. that it enjoys certain privileges, inasmuch as, being confined to the regular requirements of feet, it cannot always use proper terms, but, being driven from the straight road, must necessarily have recourse to certain bye-paths of eloquence, and is obliged not only to change words, but to lengthen, shorten, transpose,* and divide them; but that we orators stand in arms in a field of battle, contend for concerns of the highest moment, and must struggle only for victory. 30. Yet I would not wish that the arms of the orator should be squalid from foulness and rust, but that there should be a brightness on them like that of steel, which may dismay opponents, and by which the mind and the eye may at once be dazzled, and not like that of gold or silver, which is unwarlike, and dangerous rather to the wearer than to the enemy.

31. History, also, may nourish oratory with a kind of fertilizing and grateful aliment. But it must be read with the conviction that most of its very excellences are to be avoided by the orator; for it borders closely on poetry, and may be said, indeed, to be a poem unfettered by the restraints of metre; it is written to relate, not to prove; and its whole nature is suited, not to the pleading of causes, or to instant debate, but to the transmission of events to posterity, and to gain the reputation of ability for its author; and for this reason it relieves the tediousness of narrative by words more remote from common usage, and by a more bold† employment of figures. 32. Accordingly, as I observed,‡ neither is the brevity of Sallust, than which nothing can be more perfectly pleasing to the unoccupied and learned ear, to be studied by us in addressing a judge, who is engaged with various thoughts, and often destitute of literature; nor will the milky exuberance of Livy satisfactorily instruct a hearer who looks not for beauty of statement, but for proof of fact. 33. Besides, Cicero§ thinks that not even Thucydides and Xenophon are of any use to the

* *Convertere.*] By this word may be signified the figure *anastrophe*, as in *Italiam contra*, Æn. i. 14, and *Transtra per et remos*, Æn. v. 663. *Capperonier.*

† Words more remote from common use, and figures more bold, than those used in oratory. ‡ IV. 2, 45.

§ See Orat. c. 9; Brut. 83; de Opt. Gen. Orat. c. 5.

orator, though he allows that the one *sounds the trumpet of war*, and that *the muses spoke by the mouth of the other*. In digressions, however, we may at times adopt the polished elegance of history, provided we remember that in the parts of our speech on which the question depends, there is need, not of the showy muscles of the athlete, but of the nervous arms of the soldier;* and that the variegated robe which Demetrius Phalereus is said to have worn † is not adapted to the dust of the forum. 34. There is also, indeed, another advantage to be gained from history, and an advantage of the greatest value, though of no concern with the present part of my subject; I mean that which is to be derived from the knowledge of facts and precedents, with which the orator ought to be extremely well acquainted, that he may not have to seek all his arguments from the parties going to law, but may avail himself of many drawn from an accurate knowledge of antiquity; arguments the more weighty, as they alone are exempt from the charges of prejudice and partiality.

35. That we have to derive much from the study of the philosophers, has been occasioned by another fault ‡ in orators, who have given up to them the better part of their duty; for the philosophers speak copiously of what is just, and honourable, and useful, of what is of a contrary nature, and of divine subjects, and reason upon all these topics with the utmost acuteness; and the followers of Socrates excellently qualify the future orator for debates and examinations of witnesses. 36. But in studying these writers, too, we must use similar judgment; and, though we may have to speak on the same subjects with them, we must bear in mind that the same manner is not suited for lawsuits as for philosophical disputations, for the forum as for the lecture-room, for exercises on rules as for actual trials.

37. I suppose that, since I consider there is so much

* See what is said by Lipsius, Saturn. i. 14, on the *gladiatoria sagina*. Gesner. Compare also B. viii. Introd. sect. 18; and x. 5, 17.

† Who applied this metaphorical description to Demetrius, I have not yet been able to discover. *Gesner*. Does not Quintilian rather allude to the dress which Demetrius, when he abandoned himself to luxury, actually wore?

‡ Another fault besides that of injudiciously imitating the style of historians and poets. See Quintilian's Preface, sect. 9—18; also viii. 3, 39; and Cicero de Orat. iii. 15—20.

advantage in reading, most of my friends will expect me to insert in my work some remarks on the authors that ought to be read, and the peculiar excellence of each. But to go through authors one by one, would be an endless task. 38. For when Cicero, in his *Brutus*, employs so many thousands of lines in speaking of the Roman orators only, and yet observes silence concerning all of his own age, among whom he lived, except Cæsar and Marcellus, what limit would there be to my task, if I should undertake to review not only all those, but those who succeeded them, and all the Greek philosophers and poets?* 39. That brevity, therefore, would be safest for me to observe, which is adopted by Livy in a letter addressed to his son,† *that Demosthenes and Cicero should first be read, and afterwards every writer according as he most resembles Demosthenes and Cicero.* 40. Yet the conclusions to which my judgment has led me must not be withheld. I think that among all the authors who have stood the test of time, few, or, indeed, scarcely a single one, can be found, who would not contribute some profit to such as read them with judgment; for Cicero himself acknowledges that he was greatly benefited by even the most ancient writers, who had plenty of ability, though they were destitute of art. 41. Nor do I entertain a very different opinion with regard to the moderns; for how few can be found so utterly devoid of sense, as not to hope, from some small confidence in at least some part of their work, to secure a hold on the memory of posterity? If there be any such writer, he will be detected in his very first lines, and will release us too soon for the trial of his work to cost us any great waste of time. 42. But it is not everything in an author that relates to any department of knowledge whatever, that is adapted to produce the copiousness of diction of which we are speaking.

Before I proceed, however, to speak of authors individually, a few general remarks must be premised in regard to the diversity of opinions concerning them. 43. Some think that the ancients only deserve to be read, and imagine that in no others is to be found natural eloquence and manly force. On the contrary, the floridness and affectation of the modarns,

* I have inserted the words "and poets," profiting by the suggestion of Spalding, who saw that *et poetas* is needed in the text after *philosophos*.

† See viii, 2, 18.

and all the blandishments intended to charm the ear of the ignorant multitude, delight others. 44. Even of those, again, who would adopt a right sort of style, some think that no language but such as is concise and simple, and departs as little as possible from common conversation, is sound and truly Attic; while more sublime efforts of genius, more animated, more full of lofty conceptions, attract others; and there are also not a few lovers of a quiet, neat, and subdued style. Concerning such differences in taste I shall speak more at large, when I come to consider the species of style most proper for the orator.* 45. In the meantime, I shall briefly touch on the advantages which those may derive from reading who wish to increase their facility in speaking,† and show by what kind of reading they may be most benefited; for I intend to select for notice a few of the authors who are most distinguished; and it will be easy for the studious to judge who are most similar to them. This I mention, lest any one should complain that writers, whom he himself highly approves, have been omitted; for I admit that more ought to be read than those whom I shall here specify.

But I shall now merely go through the various *sorts* of reading which I consider peculiarly suitable for those who aim at becoming orators.

46. As Aratus, then, thinks that *we ought to begin with Jupiter*,‡ so I think that I shall very properly commence with HOMER; for, as he says that *the might of rivers and the courses of springs take their rise from the ocean*,§ so has he himself given a model and an origin for every species of eloquence. No man has excelled him in sublimity on great subjects, no man in propriety on small ones. He is at once copious and concise, pleasing and forcible; admirable at one time for exuberance, and at another for brevity; eminent not only for poetic, but for oratorical excellence. 47. To say nothing of his laudatory, exhortatory, and consolatory speeches, does not the ninth book of the Iliad, in which the deputation sent to Achilles is comprised, or the contention between the chiefs in

* See xii. 10, 63—70.

† *Facultatem dicendi.*] A reference to sect. 1 may perhaps induce the reader to prefer *facilitatem dicendi.* Spalding.

‡ The well known commencement of the Phænomena, Ἐκ Διὸς ἀρχώμεσθα.

§ Il. xxi. 195.

the first book, or the opinions delivered in the second, display all the arts of legal pleadings and of councils? 48. As to the feelings, as well the gentle as the more impetuous, there is no one so unlearned as not to acknowledge that he had them wholly under his control. Has he not, at the commencement * of both his works, I will not say observed, but established, the laws of oratorical exordia? for he renders his reader *well-affected* towards him by an invocation of the goddesses who have been supposed to preside over poets; he makes him *attentive* by setting forth the grandeur of his subjects, and *desirous of information* by giving a brief and comprehensive view of them. 49. Who can state facts more concisely than he who relates the death of Patroclus,† or more forcibly thon he who describes the combat of the Curetes and Ætolians?‡ As to similes, amplifications, illustrations, digressions, indications and proofs of things, and all other modes of establishment and refutation, examples of them are so numerous in him, that even most of those who have written on the rules of rhetoric produce from him illustrations of their precepts. 50. What peroration of a speech will ever be thought equal to the entreaties of Priam beseeching Achilles for the body of his son?§ Does he not, indeed, in words, thoughts, figures, and the arrangement of his whole work, exceed the ordinary bounds of human genius? So much, indeed, that it requires a great man even to follow his excellences, not with rivalry, (for rivalry is impossible,) but with a just conception of them, 51. But he has doubtless left all authors, in every kind of eloquence, far behind him, but the epic poets most remarkably, as, in similar subjects, the comparison is most striking.

52. As for HESIOD, he rarely rises above the general level, and a great part of his poetry is occupied with mere names, yet his sententious manner is useful in delivering precepts, and the easy flow of his words and style merits approbation; and in that *middle* kind of writing the palm is allowed to be his.

53. In ANTIMACHUS,‖ on the other hand, there is energy

* I read *in ingressu* with Gesner, instead of Spalding's *ingressus*, as suiting better with the drift of the passage.

† Il. xviii. 20. ‡ Il. ix. 530. § Il. xxiv 486

‖ His chief work was the Thebais, a poem on the expedition of the seven chiefs against Thebes. See Porphyrio ad Hor. A. P. 146.

and force, and his manner of expression, which is by no means common, has great merit. But although the unanimous consent of critics assigns him the second place,* he is so deficient in power over the feelings, in ability to please, in the arrangement of his matter, and in every requisite of the poetic art, that he affords us a convincing proof how different a thing it is to be near to another writer, and to be second to him.

54. Panyasis † they consider as compounded of both,‡ as far as his style is concerned, but as reaching, on the whole, the excellences of neither; yet they allow that the one is surpassed by him in the nature of his materials, and the other in the arrangement of them.

Apollonius § is not included in the catalogue given by the critics, since Aristarchus and Aristophanes, those great judges of the poets, inserted no one of their own age in their list; yet he produced a work, in a style of evenly sustained mediocrity, which is by no means to be despised.

55. Aratus's subject is destitute of animation, as there is in it no variety, no action on the feelings, no portraiture of character, no speech from any person. But he is equal to the work to which he thought himself equal.

Theocritus is admirable in his peculiar style, but his rustic and pastoral muse shrinks not only from appearing in the forum, but even from approaching the city.

56. I seem to hear my readers collecting together from all sides the names of a vast number of poets. What, they say, has not Pisander || sung, with great effect, the achievements of Hercules? Have Macer ¶ and Virgil ** without reason imi-

* Next to Homer. *Proximus, sed longo proximus intervallo.*

† A native of Halicarnassus, and relative of Herodotus. He wrote a poem on the exploits of Hercules, and another on the origin of the cities of Ionia.

‡ Both Hesiod and Antimachus, says Spalding; he excelled Hesiod in the nature of his subjects, and Antimachus in arrangement.

§ Apollonius Rhodius, the author of the Argonautics.

|| A native of Cameirus in Rhodes. The Alexandrian grammarians acknowledged him as one of the Epic poets.

¶ VI. 3, 96.

** That Virgil imitated Nicander I do not recollect any author who has asserted, except Quintilian. Nicander indeed wrote *Georgica*, a poem often quoted by Athenæus, which Virgil might have read. But I would ask whether any part of the remains of that poem can fairly be pointed out as having been imitated by Virgil. Macrobius, in his

tated NICANDER? Shall we pass over EUPHORION,* when, if Virgil had not admired him, he would certainly never have made mention, in his Bucolics,† of poems composed in Chalcidian verse? Does Horace,‡ without reason, name TYRTÆUS next to Homer? 57. No one assuredly, is so void of all knowledge of those authors, that he might not transfer into his book a catalogue of them taken from some library. Nor am I, for my part, ignorant of the writers whom I omit, and, certainly, I do not condemn them as worthless, having already said that there is some good in all of them. 58. But we shall return to them when our strength is matured and confirmed; as it often happens to us at great banquets, that after we have satisfied ourselves with the best dishes, the variety of plainer food is still agreeable to us. Then we shall have time, too, to take in hand the elegiac poets, of whom CALLIMACHUS is considered as the chief; while PHILETAS,§ in the opinion of most critics, has made good his claim to the second place, 59. But while we are acquiring that efficient readiness, as I termed it,‖ we must devote ourselves to the perusal of the best authors; and the character of our mind must be formed, and a complexion given to our oratory, by much reading in good writers, rather than by reading many.

Of the three ¶ writers of Iambics, then, sanctioned by the judgment of Aristarchus, ARCHILOCHUS only will have any great influence in assisting us to attain facility of style. 60. There is in him the utmost vigour of language, thoughts forcible, concise, and lively, and abundance of life and energy; insomuch that some think it owing to his subjects, not to his genius, that he is inferior to any writer whatever.

61. But of the nine ** Lyric poets, PINDAR is by far the

Saturnalia, does not mention Nicander among the authors to whom Virgil was at all indebted. But wherever critics have admitted that Virgil followed Nicander, it always appears that the Theriaca was the object of his imitation. See Heyne's Proem to Virgil's Georgics. *Spalding.*

* A native of Chalcis in Eubæa. He was librarian to Antiochus the Great, and wrote on various subjects.

† X. 50. ‡ A. P. 401.

§ A native of Cos, and preceptor to Ptolemy Philadelphus. He is praised by Propertius. Only a few fragments of his works remain.

‖ Sect. 1. ¶ The other two being Simonides and Hipponax.

** Pindar, Stesichorus, Alcæus, Simonides, Ibycus, Alcman, Bacchylides, Anacreon, Sappho.

chief in nobleness of spirit, grandeur of thought, beauty of figures, and a most happy exuberance of matter and words, spreading forth as it were in a flood of eloquence; on account of all which qualities Horace * justly thinks him inimitable.

62. As to STESICHORUS, the very subjects that he has chosen show how powerful he is in genius, when he sings of the greatest wars and most illustrious leaders, and supports on his lyre all the weight of the epic song; for he assigns to his characters due dignity in acting and speaking; and if he had kept a just control over himself, he seems likely to have proved Homer's nearest rival; but he is redundant and overflowing; a fault, however, which, though deserving of censure, is yet that of an exuberant genius.

63. ALCÆUS is deservedly complimented with *a golden quill* † for that part of his works in which he inveighs against tyrants, and contributes much to the improvement of morals. In his language, also, he is concise, magnificent, and careful, and in many passages resembles Homer; but he descends to sportive and amorous subjects, though better qualified for those of a higher nature.

64. SIMONIDES, though in other respects of no very high genius,‡ may be commended for a propriety of language, and a pleasing kind of sweetness; but his chief excellence is in exciting pity, so that some prefer him, in that particular, to all other writers of the kind.

65. The old comedy retains, almost alone, the pure grace of Attic diction, and the charm of a most eloquent freedom of language; and though it is chiefly employed in attacking follies, yet it has great force in other departments; for it is sublime, elegant, and graceful; and I know not whether any poetry, next to Homer's, (whom it is always right to except, as he himself excepts Achilles,§) has either a greater resemblance to oratory, or is better adapted for forming orators. 66. The

* Od. iv. 2. † *Aureo Plectro.* Hor. Od. ii. 13, 26.

‡ *Tenuis alioqui.*] I know not who, besides Quintilian, has pronounced such a judgment on Simonides. *Spalding.* The opinion of Dionysius Halicarnassensis, however, is not very different. He is said to have excelled Pindar and Æschylus in exciting tender feelings.

§ Il. ii. 674:—

> Nireus, in faultless shape and blooming grace,
> The loveliest youth of all the Grecian race;
> Pelides only match'd his early charms. *Pope.*

authors of it are numerous; but ARISTOPHANES, EUPOLIS, and CRATINUS, are the principal.

Tragedy ÆSCHYLUS first brought before the world, an author of great sublimity and power, and grandiloquent even to a fault, but in many parts rough and unpolished; for which reason the Athenians permitted the poets who succeeded him to exhibit his plays, when corrected, in competition for the prize; and by that means many obtained the crown. 67. But SOPHOCLES and EURIPIDES throw a brighter lustre on that kind of composition; concerning whom, as their styles are different, it is a question among many which is the better poet. This point, since it has no relation to my present subject, I shall, for my own part, leave undecided. 68. But every one must acknowledge that for those who are preparing themselves for pleading, Euripides will be by far the more serviceable; for, in his style, (which those to whom the gravity, and dignified step, and lofty tone of Sophocles, appear to have an air of greater sublimity, think proper to censure,) he approaches nearer to the language of oratory; he abounds with fine thoughts; in precepts of morality, such as have been delivered by the philosophers, he is almost equal to the philosophers themselves; in addresses and replies he is comparable to any of those who have been distinguished as eloquent speakers in the forum; and in touching every kind of feeling he has remarkable power, but in exciting that of pity holds undisputed pre-eminence.

69. MENANDER, as he himself often testifies, admired Euripides greatly, and even imitated him, though in a different department of the drama; and Menander alone, in my judgment, would, if diligently read, suffice to generate all those qualities in the student of oratory for which I am an advocate; so exactly does he represent all the phases of human life; such is his fertility of invention, and easy grace of expression; and so readily does he adapt himself to all circumstances, persons, and feelings. 70. Nor are those, assuredly, destitute of penetration, who think that the orations which are circulated under the name of *Charisius*,* were written by Menander. But to me he seems to prove himself a far

* See Cicero Brut. c. 83. Some fragments of his speeches are preserved by Rutilius Lupus. He was contemporary with Demetrius Phalereus.

greater orator in his own province, unless it be said that those trials,* which the Epitrepontes, the Epicleros, and the Locrians contain, are absurd, and that the speeches† in the Psophodees, the Nomothetes, and the Hypobolimæus,‡ are not finished off with all the perfections of oratory. 71. But I think that to declaimers he may contribute still greater service, since it is necessary for them, according to the nature of the cases which they attempt, to assume various characters,§ as those of fathers, sons, soldiers, countrymen, rich and poor men, of persons angry and persons beseeching, of persons of mild and persons of savage dispositions; in all which characters propriety is wonderfully observed by Menander, who indeed has left other authors in that species of writing scarcely a name, having, by the splendour of his reputation, thrown over them a veil of darkness. 72. Other comic writers, however, if they be read with indulgence, have some good passages that we may select, and especially PHILEMON, who, preferred as he frequently was to Menander by the bad taste of his age, deserves in the opinion of all critics to be regarded as second to him.

73. *History* many have written with eminent reputation; but nobody doubts that two writers of it are greatly to be preferred to all others; two whose opposite excellences have gained nearly equal praise. THUCYDIDES is pithy, concise, and ever hastening forward; HERODOTUS is pleasing, clear,‖ and diffuse; the one excels in the expression of animated, the other in that of milder sentiments; the one in speeches, the other in narrative; the one in force, the other in agreeableness.

74. Next to these stands THEOPOMPUS, who, inferior to them as an historian, yet bears more resemblance to the

* *Nisi forte aut illa mala judicia.*] That is, as Spalding interprets, *Nisi illa judicia* sunt *mala.*

† *Meditationes.*] That is μελέται, formal speeches, on matters not judicial, like that spirited one which we have among the fragments of the Hypobolimæus, ed. Cleric. p. 184. *Spalding.*

‡ Names of six of the comedies of Menander, the subjects of which are unknown. The Hypobolimæus is mentioned above, i. 10, 18.

§ See iii. 8, 51; vi. 2, 36; iv. 1, 47; xi. 55. *Spalding.*

‖ *Candidus.*] Spalding supposes that by this word is meant something similar to the *lactea ubertas* of Livy, sect. 32. The French translator in Didot's edition renders it by "clair."

orator, since, before he was induced * to apply to historical composition, he had been for some time a public speaker. PHILISTUS, too, deserves to be distinguished from the crowd of good authors next to these; he is an imitator of Thucydides and, though much less forcible, is somewhat more perspicuous. EPHORUS, as Isocrates thought, needed tho spur.† The ability of CLITARCHUS ‡ is admired, but his veracity is impeached. 75. TIMAGENES,§ born a long time afterwards, deserves commendation at least on this account, that he revived with fresh lustre the pursuit of writing history which had begun to be neglected. XENOPHON I have not forgotten, but he is to be noticed among the philosophers.

76. A numerous band of *orators* follows, since one age produced ten living at the same time at Athens; of whom Demosthenes was by far the most eminent, and has been almost the sole model for oratory; such is his energy, so compact is his whole language, so tense, as it were, with nerves, so free from anything superfluous; and such the general character of his eloquence, that we can neither find anything wanting in it, nor anything superfluous. 77. ÆSCHINES is more copious and diffuse in style, and, as being less confined in scope, has more appearance of magnitude, but he has only more flesh and less muscle. HYPERIDES is extremely agreeable and acute, but better qualified, not to say more serviceable, for causes of minor importance.‖ 78. LYSIAS, an orator that preceded these in time, is refined and elegant, and, if it be enough for an orator to inform his hearers, we need not seek anything more excellent than he is; for there is nothing unmeaning, nothing far-fetched, in his sentences; but he is more like a clear spring than a great river. 79. ISOCRATES, in a different style of oratory, is neat and polished, but better

* By his master Isocrates. See Cicero de Orat. ii. 13. *Spalding.*

† II. 8, 11.

‡ He accompanied Alexander the Great, and wrote a history of his exploits. See Cicero, Brut. c. 11. Longinus, c. 3.

§ See note on i. 10, 10.

‖ Who else, says Spalding, has plainly expressed such an opinion respecting the talents of Hyperides, I do not know. Spalding allows, however, that what is said of him by Dionysius Halicarnassensis (De Vett. Script. Cens. vol. v. p. 434, ed. Reisk.), by Longinus, c. 34, and other writers, tends to show that he was much of the same character as Quintilian thinks him.

fitted for the fencing-school than for actual combat; he assiduously courts every beauty of diction; and not without reason, for he had qualified himself for lecture-rooms, and not for courts of justice; he is ready in invention, and constantly aiming at embellishment; and so careful in composition that his care is even censured.

80. I do not consider that these are the only, but the chief excellences, in those authors of whom I have spoken; nor do I think the others, whom I have omitted to name, had not a high degree of merit. I even admit that the famous DEMETRIUS PHALEREUS, though he is said to have been the first to cause the decline of eloquence,* had much talent and command of language; and he deserves to be remembered, if for no other reason than that he was almost the last of the Athenians that could be called an orator. Cicero,† however, prefers him to all other orators in the middle kind of eloquence.

81. Of the *Philosophers*, from whom Cicero acknowledges that he derived a large portion of his eloquence,‡ who can doubt that PLATO is the chief, as well in acuteness of reasoning, as in a certain divine and Homer-like power of language? For he rises far above ordinary prose, and what the Greeks call *oratio pedestris*,§ so that he appears to me to be animated, not with mere human genius, but with the inspiration as it were of the Delphic oracle. 82. Why need I dwell on the sweetness of XENOPHON, sweetness which is unaffected, but which no affectation could attain? so that even the Graces themselves are said to have formed his style, and the testimony of the Old Comedy concerning Pericles may justly be applied to him, that *the goddess of persuasion was seated on his lips.*‖

* He was the first, says Cicero, Brut. c. 9, who relaxed the force of eloquence, and gave her a soft and tender air.

† Quintilian refers, I think, to Orat. c. 27, as Almeloveen has remarked, who also notices other commendations of Demetrius Phalereus in De Orat. ii. 23; Off. i. 1. *Gesner.*

‡ Orat. c. 3.

§ *Quam pedestrem Græci vocant.*] Πεζὸς λόγος, by which we are to understand not only prose, but such a style of poetry as approaches to prose, such as is in general that of comedy. And, as Horace says, *Tragicus plerumque dolet sermone pedestri. Capperonier.*

‖ The passage of Eupolis is well known; see Plin. Ep. i. 20. The verses of Eupolis are quoted by the Scholiast on Aristoph. Acharn. 530 See also Cicero Orat. c. 15. *Spalding.*

83. Why need I expatiate on the elegance of the rest of the Socratic school? Why need I speak of the merits of ARISTOTLE, of whom I am in doubt whether I should deem him more admirable for his knowledge of things, for the multitude of his writings, for the agreeableness of his language, the penetration shown in his discoveries, or the variety exhibited in his works? As to THEOPHRASTUS, there is such a divine beauty in his language, that he may be said even to have derived his name from it.* 84. The old STOICS indulged but little in eloquence, but they recommended what was virtuous, and had great power in reasoning, and in enforcing what they taught. They were rather, however, acute in discussing their subjects than lofty in their style, an excellence at which they certainly did not aim.

85. The same order I intend to observe, also, in proceeding through the Roman authors.

As Homer, accordingly, among the Greeks, so VIRGIL among our own countrymen, presents the most auspicious commencement; an author who of all poets of that class, Greek or Roman, approaches doubtless nearest to Homer. 86. I will here repeat the very words which, when I was a young man, I heard from Domitius Afer, who, when I asked him what poet he thought came nearest to Homer, replied, *Virgil is second to him, but nearer the first than the third.* Indeed, though we must give place to the divine and immortal genius of Homer, yet in Virgil there is more care and exactness, for the very reason that he was obliged to take more pains; and for what we lose in the higher qualities we perhaps compensate in equability of excellence.

87. All our other poets will follow at a great distance. MACER† and LUCRETIUS should be read indeed, but not in order to form such a style as constitutes the fabric of eloquence; each is an elegant writer on his own subject, but the one is tame, and the other difficult.‡ VARRO ATACINUS, in those

* It is said that his original name was Tyrtamus, and that Aristotle changed it to Theophrastus, which signifies "possessed of divine eloquence." See Diog. Laert. v.

† See vi. 3, 96.

‡ *Difficilis.*] The commentators hardly know what to understand by this word. Burmann, referring to i. 4, 4, supposes that the allusion is to the abstruse nature of Lucretius's subject, just as Ovid, with reference to his subject, calls him *sublimis*, Amor. i. 15, 23. Macer also

writings in which he has gained a name, as the interpreter of another man's work,* is not indeed to be despised, but is not rich enough in diction to increase the power of the orator. 88. Ennius we may venerate, as we venerate groves sacred from their antiquity; groves in which gigantic and aged oaks affect us not so much by their beauty, as by the religious awe with which they inspire us.

There are other poets nearer to our own times, and better suited to promote the object of which we are speaking. Ovid allows his imagination to wanton,† even in his heroic verse, and is too much a lover of his own conceits, but deserves praise in certain passages. 89. Cornelius Severus,‡ though a better versifier than poet, yet if he had finished his "Sicilian War," as has been observed, in the manner of his first book, would justly have claimed the second place in epic poetry.§ But an immature death prevented his powers || from being brought to perfection; yet his youthful compositions display very great ability, and a devotion to a judicious mode of writing which was wonderful, especially at such an age. 90. In Valerius Flaccus we have lately had a great loss. The genius of Saleius Bassus ¶ was ardent, and highly poetical, and had not reached maturity even in his old age. Rabirius ** and Pedo †† are not unworthy of the orator's acquaint-

says Spalding, is called *humilis*, "tame," from the character of his subject, which was *the qualities of herbs*.

* See i. 5, 18. The interpretation to which Quintilian alludes was a version of the Argonautica of Apollonius Rhodius.

† See sect. 98.

‡ Of him little is known. He was contemporary with Ovid, who addresses him in one of his Epistles from Pontus, iv. 2, 2.

§ That is, next to Virgil.

|| *Sed eum immatura mors*, &c.] Burmann supposes that *eum* has usurped the place of the proper name of some poet. Two manuscripts read *Varenum*.

¶ He was contemporary with Statius, and is named by Juvenal, viii. 80. Not a fragment of his works is known to be in existence.

** Ovid, who calls him *Magni Rabirius oris*, Epist. ex Pont. iv. 16, seems to have had a higher opinion of him than Quintilian. See also Vell. Pat. ii. 36. He seems to have written on the civil wars of Rome, as Mark Antony was one of his characters; see Sen. Benef. vi. 3. A fragment of a poem found at Herculaneum has been supposed to be a part of that of Rabirius. See Smith's Dict. of Biog. and Mythol.

†† See vi. 3, 61. He wrote a poem on Theseus, as appears from Ovid,

ance, if he has time to read them. LUCAN is fiery and spirited, and sublime in sentiment, and, to say what I think, deserving to be numbered rather with orators than poets.

91. These authors we have named, since the government of the world has diverted Germanicus Augustus * from the studies which he had commenced, and it did not seem sufficient to the gods that he should be the greatest of poets.† Yet what can be more sublime, more learned, more excellent in all respects, than the works on which he had entered in his youth, when he gave up his military command?‡ Who could sing of wars more ably than he who so ably conducts them? To whom would the goddesses that preside over liberal studies listen more propitiously? To whom would Minerva, his familiar deity, more willingly communicate her accomplishments? 92. Future ages will speak of these matters more fully; for at present the merit of the poet is obscured by the dazzling brightness of other great qualities Yet you will bear with us, Cæsar, if, while we are celebrating the sacred rites of literature,§ we do not pass over your genius in silence, but testify, at least by citing a verse from Virgil, that

Epist. ex Pont. iv. 16, and is supposed also to have written a poem in the epic form on the exploits of Germanicus; see Sen. Suasor. b. i.

* It is some time since the commentators saw that there is no allusion here to the translation of Aratus by Germanicus, but that the Emperor Domitian himself is meant. He was flattered by the poets Silius Italicus, iii. 618, Valerius Flaccus, i. 12, and Martial, viii. 82, for his merits in poetry. *Spalding.*

† *Parumque diis visum est, eum esse maximum poetarum.*] I have translated these words in the sense in which they seem generally to have been understood. Gedoyn gives "Les dieux ont jugé que c'etait peu pour lui d'être le plus grand de poëtes." But they will bear another signification: "It did not seem good to the gods, that he should be the greatest of poets;" *i. e.* the gods, by conferring empire upon him, drew him away from those studies which, if he had pursued them, would have rendered him the greatest of poets. *Parum* is indisputably often put for *non*, as in Sallust, Jug. 85: *Parum placebat eas discere.* This acceptation of the words, too, seems to agree better with the context. Perhaps Quintilian was designedly ambiguous.

‡ *Donato imperio.*] That is, when he gave up his military command, or retired from it, on account of the suspicions of his brother, and from his own apparent devotion to literary pursuits. *Gesner.* See Tacitus, Hist. b. iv. sub fin., and Suet. Dom. c. 2.

§ *Sacra literarum colentes.*] While I am doing honours to other

Inter victrices hederam tibi serpere lauros,
The ivy spreads amidst thy conqu'ring bays.

93. In *Elegy*, also, we challenge equality with the Greeks; and TIBULLUS seems to me the most terse and elegant writer of it. There are some that prefer PROPERTIUS. OVID is more luxuriant in style than either, and GALLUS more harsh.

Satire is certainly wholly our own; and LUCILIUS, who first obtained eminent distinction in it, has still admirers so devoted to him, that they do not hesitate to prefer him, not only to all writers in the same kind of composition, but to all other poets whatever. 94. For my own part, I differ from them as much as I do from Horace, who thinks that *Lucilius runs muddy*, and that *there is always something in him which you might remove;** for there is in him wonderful learning, spirit, causticity resulting from it, and an abundance of wit. HORACE is far more terse and pure in his style, and eminently happy in remarking on the characters of mankind. PERSIUS has gained much, and indeed just, reputation, though only by one book There are also excellent writers in that department in our day, whose names will hereafter be celebrated. 95. In that other and older kind of satire, but diversified not with varieties of verse only,† Terentius Varro wrote, a man of all the Romans the most learned. He composed a vast number of works of very great erudition, having a thorough acquaintance with the Latin tongue, with all antiquity, and with the events of Grecian and Roman history; yet he is an

names eminent in literature, I must not neglect to pay homage to yours. An allusion perhaps to Virgil's

Me verò primùm dulces ante omnia Musæ,
Quarum sacra fero ingenti perculsus amore,
Accipiant.

But me, the first before all other joys,
May the sweet Muses welcome, whose divine
Symbols I bear, inspir'd with boundless love.

* *Quod tollere possis.*] Hor. Sat. i. 4, 11. Burmann shows, at some length, in opposition to Dacier and others, that *tollere* in this passage of Horace does not signify *probare* or *servare*, as in the phrases *tollere* and *suscipere liberos*, but the contrary; as in Epist. ii. 2, 122: *Virtute carentia tollet.*

† Prose was intermingled with the verse. See Smith's Dict. of Biog. and Mythol. art. Varro.

author that will add more to our knowledge than to our eloquence.

96. *Iambic verse* has not been cultivated by any writer among the Romans, as his peculiar province,* though it has been interspersed with some other kinds of verse; its bitterness is to be seen in CATULLUS, BIBACULUS,† and HORACE, though in Horace the epode ‡ is found introduced between the iambics

Of our *Lyric poets* HORACE is almost the only one that deserves to be read; for he soars occasionally, is full of agreeableness and grace, and shows a most happy daring in certain figures and expressions. If the student should wish to add any other, there is CÆSIUS BASSUS,§ whom we lately saw among us; but the genius of some that are living far excels his.

97. The writers of *Tragedy* most celebrated, among the ancients, for their force of thought, weight of language, and the dignity of their personages, are ACCIUS and PACUVIUS; neatness and finish in the polishing of their works seems to have been wanting in them rather through the fault of their age than through their own. To Accius, however, is attributed the greater share of energy; those who affect to be learned themselves, would have Pacuvius thought the more learned of the two. 98. The Thyestes of VARIUS is comparable to any of the Greek tragedies. OVID'S Medea ‖ appears to me to show how much that great man could have done, if he had been willing to control rather than indulge his genius.¶ Of those whom I have myself seen, POMPONIUS SECUNDUS** is by far the most eminent; a writer whom the oldest men of the day thought not quite tragic enough, but acknowledged that he excelled in learning and elegance of style.

99. In *Comedy* we are extremely deficient; though Varro

* As it was cultivated by Archilochus, Hipponax, and Simonides, among the Greeks. Comp. sect. 59. *Spalding.*

† Furius Bibaculus. See viii. 6, 17.

‡ *Quamquam illi epodos intervenire reperiatur.*] The word *epodos* seems here to mean, as Turnebus says, *particula quæ accinitur integro versui*, "a part of a verse, or a short verse, attached to a whole or to a longer verse."

§ He perished in the same eruption of Vesuvius as Pliny the Elder, according to Probus, cited by the Scholiast on Persius, who inscribed to him his sixth Satire. *Spalding.*

‖ VIII. 5, 6. ¶ See sect. 88. ** VIII. 3, 31.

says that *the muses*, in the opinion of Ælius Stilo,* *would, if they had wished to speak Latin, have spoken in the language of* PLAUTUS; though the ancients extol CÆCILIUS; and though the writings of TERENCE have been ascribed to Scipio Africanus; and Terence's writings are indeed extremely elegant in their kind; yet they would have had still more gracefulness if they had been strictly confined to trimeter iambic verse. 100. We scarcely attain a faint image of the Greek comedy, so that the Latin language itself seems to me not susceptible of that beauty which has hitherto been granted to the Attics only, since not even the Greeks themselves have attained it in any other dialect of their language. AFRANIUS excels in comedies purely Latin; and I wish that he had not polluted his plays with offensive amours, betraying his own character.

101. In *history*, however, I cannot allow superiority to the Greeks; I should neither fear to match SALLUST against Thucydides, nor should Herodotus feel indignant if LIVY is thought equal to him, an author of wonderful agreeableness, and remarkable perspicuity,† in his narrative, and eloquent beyond expression in his speeches, so admirably is all that is said in his pages adapted to particular circumstances and characters; and as to the feelings, especially those of the softer kind, no historian, to speak but with mere justice, has succeeded better in describing them. 102. Hence, by his varied excellences, he has equalled in merit the immortal rapidity of Sallust;‡ for SERVILIUS NONIANUS § seems to me to have remarked with great happiness that they were rather equal than like; a writer to whom I have listened while he was reading his own histories, he was a man of great ability, and wrote in a sententious style, but with less conciseness than the dignity of history demands.

* An eminent grammarian and teacher of rhetoric at Rome. He gave instruction to Varro and Cicero.

† *Clarissimi candoris.*] See sect. 73.

‡ *Immortalem illam Sallustii velocitatem.*] "La celeste rapidité de Salluste." French translation in Didot's "Collection des Auteurs Latins."

§ He became famous for writing a history of Roman affairs after he had been long celebrated as a speaker in the forum, according to Tacit. Ann. xiv. 19. See Dial. de Orat. c. 23; Plin. Ep. i. 13, 3. He was regarded by Persius as a father; see Suetonius *in vit.* A statue of him, in a consular dress, was lately dug out of his tomb near the Appian Way, under the superintendence of Canova. *Spalding.*

103. That dignity Bassus Aufidius,* who had rather the precedence of him in time, supported with admirable effect, at least in his books on the German war; in his own style of composition he is everywhere deserving of praise, but falls in some parts below his own powers. 104. But there still survives, and adds lustre to the glory of our age, a man † worthy to be remembered by the latest posterity, whose name will hereafter be celebrated with honour, and is now well understood. He has admirers, but no imitators, since ‡ the freedom of his writings, though some of his expressions have been pruned, has been injurious to him. Even in what remains, however, we may see his lofty spirit and boldness of thought. There are also other good writers; but we touch only on particular departments of composition, and do not review whole libraries.

105. But our *orators* may, above all, set the Latin eloquence on an equality with that of Greece; for I would confidently match Cicero against any one of the Greek orators. Nor am I unaware how great an opposition I am raising against myself,§ especially when it is no part of my design at present to compare him with Demosthenes, for it is not at all necessary, since I think that Demosthenes ought to be read above all other orators, or rather learned by heart. 106. Of their great excellences I consider that most are similar; their method, their order of partition, their manner of preparing the minds of their audience, their mode of proof, and, in a word, everything that depends on invention. In their style of speaking there is some difference; Demosthenes is more com-

* Scarcely anything is known of him, and not a fragment of his work is extant. The elder Pliny wrote a continuation of his history. Plin. Ep. iii. 5, 6.

† Lipsius, in his review of the *Testimonia de Tacito*, is inclined to think that Tacitus is here meant by Quintilian. Gesner, and some other critics, supposed that Pliny the Elder is the person intended. What follows seems more applicable to Tacitus.

‡ I read *quum*, with Buttmann, (who superintended the conclusion of Spalding's edition,) instead of *ut*.

§ This observation Quintilian makes, because the eloquence of Demosthenes had been admired for many generations, but Cicero, in Quintilian's time, was out of favour with many, as appears from the Dialogue *de Oratoribus*. Plutarch, in his comparison of Cicero and Demosthenes, makes Demosthenes far superior to Cicero. *Turnebus.*

part, Cicero more verbose; Demosthenes argues more closely,* Cicero with a wider sweep; Demosthenes always attacks with a sharp-pointed weapon, Cicero often with a weapon both sharp and weighty; from Demosthenes nothing can be taken away, to Cicero nothing can be added; in the one there is more study, in the other more nature. 107. In wit, certainly, and pathos, two stimulants of the mind which have great influence in oratory, we have the advantage. Perhaps the custom of his country did not allow Demosthenes pathetic perorations; but, on the other hand, the different genius of the Latin tongue did not grant to us those beauties which the Attics so much admire. In the epistolary style, indeed, though there are letters written by both, and in that of dialogue,† in which Demosthenes wrote nothing, there is no comparison. 108. We must yield the superiority, however, on one point, that Demosthenes lived before Cicero, and made him, in a great measure, the able orator that he was; for Cicero appears to me, after he devoted himself wholly to imitate the Greeks, to have embodied in his style the energy of Demosthenes, the copiousness of Plato, and the sweetness of Isocrates. 109. Nor did he, by zealous effort, attain only what was excellent in each of these, but drew most, or rather all excellences, from himself, by the felicitous exuberance of his immortal genius. He does not, as Pindar ‡ says, *collect rain water, but overflows from a living fountain*, having been so endowed at his birth, by the special kindness of Providence, that in him eloquence might make trial of her whole strength. For who can instruct a judge with more exactness, or excite him with more vehemence? What orator had ever so pleasing a manner? 110. The very points which he wrests from you by force, you would think that he gained from you by entreaty; and when he carries away the judge by his impetuosity, he yet does not seem to be hurried along, but imagines that he is following of his own accord. 111. In all that he says, indeed, there is so much authority, that we are ashamed to dissent

* *Concludit astrictiùs.*] *Concludit in syllogismo*, i. e. *ratiocatur*, as Bonnellus rightly interprets in his index.

† Quintilian alludes to Cicero's treatises de Oratore, Brutus, and his philosophical writings, in which the subjects are treated in the method of dialogue. *Spalding.*

‡ In some piece not extant.

from him; he does not bring to a cause the mere zeal of an advocate, but the support of a witness or a judge; and, at the same time, all these excellences, a single one of which any other man could scarcely attain with the utmost exertion, flow from him without effort; and that stream of language, than which nothing is more pleasing to the ear, carries with it the appearance of the happiest facility. 112. It was not without justice, therefore, that he was said by his contemporaries *to reign supreme in the courts;* and he has gained such esteem among his posterity, that Cicero is now less the name of a man than that of eloquence itself. To him, therefore, let us look; let him be kept in view as our great example; and let that student know that he has made some progress to whom Cicero has become an object of admiration.

113. In ASINIUS POLLIO there is much invention, and the greatest accuracy; so great, indeed, that by some it is regarded as excessive; and there is also sufficient method and spirit; but he is so far from having the polish or agreeableness of Cicero, that he may be thought to have preceded him by a century. Messala, again, is elegant and perspicuous, and gives proof as it were in his style of the nobleness of his birth, but is deficient in energy. 114. As for JULIUS CÆSAR, if he had devoted himself wholly to the forum, no other of our country men would have been named as a rival to Cicero. There is in him such force, such perspicuity, such fire, that he evidently spoke with the same spirit with which he fought. All these qualities, too, he sets off with a remarkable elegance of diction, of which he was peculiarly studious. 115. In CÆLIUS * there is much ability, and much pleasant wit, especially in bringing an accusation; and he was a man worthy to have had wiser thoughts and a longer life. I have found some critics that preferred CALVUS † to all other orators; I have found some who agree in opinion with Cicero, ‡ that he had, by too severe criticism on himself, diminished his natural energy; yet his language is chaste, forcible, correct, and often also spirited. But he is an imitator of the Attics, and his untimely death was an injury

* Marcus Cælius Rufus, whom Cicero defended against the charge of having obtained his quæstorship by bribery. See Smith's Diet. of Biog. and Mythol. art. Rufus. Comp. i. 6, 29.

† Caius Licinius Macer Calvus, born on the same day with Cælius; Plin. H. N. vii 30. He is often cited by Quintilian. ‡ Brut. c. 82.

to him, if he intended to add anything to what he had done, but not if he intended to take from it. 116. SERVIUS SULPICIUS,* also, has gained a distinguished reputation, and not undeservedly, by three speeches. CASSIUS SEVERUS,† if he be read with judgment, will offer us much that is worthy of imitation, and if, in addition to his other excellences, he had given colouring and body to his language, he might have been ranked among the most eminent orators. 117. For there is great ability in him, and extraordinary power of sarcasm, as well as abundance of wit; but he allowed more influence to his passion than to his judgment; and besides, while his jokes are bitter, their bitterness often becomes ridiculous.‡

118. There have been also many other eloquent speakers, whom it would be tedious to particularize. Of those whom I have seen, DOMITIUS AFER and JULIUS AFRICANUS were by far the most eminent. Domitius deserved the preference for skill, and for his general manner of speaking, and we need not fear to rank him with the ancient orators. Africanus had more animation, but was too fastidious in the choice of his words, tedious, at times, in his phraseology, and too lavish in the use of metaphors.

There were also men of ability in recent times. 119. TRACHALUS § was generally elevated, and sufficiently perspicuous; and we might have supposed that he aimed at the highest excellence; yet he was greater when heard than when read; for he had such a fine tone of voice as I never knew in any other person, a delivery that would have sufficed for the stage, gracefulness of action, and every external advantage even to excess. VIBIUS CRISPUS || was succinct and agreeable in his style, and naturally qualified to please; but he was better in

* Servius Sulpicius Rufus. One of the speeches to which Quintilian alludes was for Licinius Muræna, who was accused of bribery; another was for or against Aufidia; see sect. 22.

† He lived in the reigns of Augustus and Tiberius. For some remarks on his style, see the Dialogue de Orat. c. 19 and 26.

‡ *Frequenter amaritudo ipsa ridicula est.*] Spalding thinks that *amaritudo* is to be taken in a good sense; but he appears to be quite mistaken.

§ Galerius Trachalus; he was consul with Silius Italicus, A.D. 68. He is several times mentioned by Quintilian. See especially xi. 5, 5.

|| A contemporary of Quintilian; he is mentioned three or four times by Tacitus. His style was elegant and agreeable; see Quint. v. 13, 48.

pleading private than public causes. 120. If longer life had been granted to JULIUS SECUNDUS,* his name as an orator would doubtless have been highly renowned among posterity; for he would have added, and was indeed continually adding, whatever was wanting to his other excellences; and what he wanted was, to be more energetic in debate, and to turn his attention more frequently from his delivery to his matter. 121. But even though cut off prematurely, he claims a high place for himself; such is his eloquence, such his gracefulness in expressing whatever he pleased; such is the perspicuity, smoothness, and attraction of his style; such his felicity in the use of words, even those that are pressed into his service; and such his force of expression in some that he boldly hazarded. 122. But they who shall write of orators after me, will have ample reason for praising those that are now at the height of reputation; for there are in the present day men of eminent ability by whom the forum is highly adorned. Our finished advocates rival the ancients, and the efforts of our youth, aiming at the highest excellence, imitate them and follow in their footsteps.

123. There remain to be noticed those who have written on *philosophy*, in which department Roman literature has as yet produced but few eloquent writers. Yet CICERO, who distinguishes himself on all subjects, stands forth in this as a rival to Plato. But BRUTUS,† a noble writer, and of more excellence in philosophy than in oratory, has ably supported the weight of such subjects; for his reader may feel sure that he says what he thinks. 124. CORNELIUS CELSUS,‡ too, has written no small number of works, following in the track of the Sextii,§ and not without grace and elegance Among the

* Nothing more is known of him than is to be gathered from Quintilian and from the Dialogue de Oratoribus, c. 2.

† The conspirator against Cæsar. He wrote several philosophical treatises, as appears from Cicero, Acad. i. 3, and Fin. i. 3.

‡ The well-known writer on medicine. He composed treatises on various other subjects. See xii. 11, 24, where Quintilian calls him *mediocri vir ingenio*. He mentions him also in several other places, but generally with little respect for his opinions on rhetorical subjects.

§ "There were two Sextii, Quintus Sextius the father, who refused the *latus clavus* when it was offered him by Julius Cæsar, and his son, who, St. Jerome says, was born in the same year with Jesus Christ. They are several times mentioned by Seneca in his Epistles and books *de Irâ*,

Stoics, PLANCUS * may be read with profit, from the knowledge which he displays of his subject. Among the Epicureans CATIUS † is a light, but not unpleasing author.

125. Of SENECA I have purposely delayed to speak, in reference to any department of eloquence, on account of a false report that has been circulated respecting me, from which I was supposed to condemn and even to hate him. This happened to me while I was striving to bring back our style of speaking which was spoiled and enervated by every kind of fault, to a more severe standard of taste. 126. At that time Seneca was almost the only writer in the hands of the young. I was not desirous, for my own part, to set him aside altogether, but I could not allow him to be preferred to those better authors whom he never ceased to attack,‡ since, being conscious that he had adopted a different style from theirs, he distrusted his power of pleasing those by whom they were admired. But his partisans rather admired than succeeded in imitating him, and fell as far below him as he had fallen below the older writers. 127. Yet it had been desirable that his followers should have been equal to him, or at least have made near approaches to him; but he attracted them only by his faults, and each of them set himself to copy in him what he could; and then, when they began to boast that they wrote like him, they brought dishonour on his name. 128. Still he had many and great merits; a ready and fertile wit, extraordinary application, and extensive knowledge on various subjects, though he was sometimes deceived by those whom he had employed to make researches for him. 129. He has written on almost every department of learning; for there are orations of his, and poems, and letters, and dialogues, in circulation. In

and at the end of the seventh book of the *Naturales Quæstiones*." Nic. Faber ad Senec. Controv. lib. ii. præf. See also Fabricius, Bib. Gr. ed. Harl. vol. i. p. 870. *Spalding.*

* What Plancus this was, is uncertain. Some copies have *Plautus*. The reader may consult Gesner's Index, and Spalding's *Variæ Lectiones*.

† He with whose *spectra*, the *eidola* of Epicurus, Cicero makes merry, ad Div. xv. 16, 19. *Gesner.*

‡ The same charge is brought against Seneca, remarks Spalding, by Aulus Gellius, xii. 12. None of these attacks on other authors are found in those parts of Seneca's writings that are left to us. See Fabr. Bibl. Lat. ed. Ern. vol. ii. p. 107. He has some observations on the injudicious imitators of Sallust, Ep. 11 Perhaps Quintilian alludes, also, to Seneca's conversation.

philosophy he was not sufficiently accurate, though an admirable assailant of vices. There are many bright thoughts in him, and much that may be read for moral improvement, but most of his phraseology is in a vitiated taste, and most hurtful to students for the very reason that it abounds in pleasing faults. 130. We could wish that he had written from his own mind, and under the control of another person's judgment; for if he had rejected some of his thoughts, if he had not fixed his affections on small beauties,* if he had not been in love with everything that he conceived, if he had not weakened the force of his matter by petty attempts at sententiousness, he would have been honoured with the unanimous consent of the learned rather than the admiration of boys. 131. Yet, such as he is, he ought to be read by those whose judgment is matured, and whose minds have been strengthened by a severer manner of writing, if with no other object than that the reader may exercise his judgment for and against him; for, as I said, there is much in him worthy of approval, and much deserving of admiration; only it must be our care to choose judiciously, as I wish that he himself had done, since natural powers that could accomplish whatever they pleased, were worthy of having better objects to accomplish.

CHAPTER II.

Of imitation; necessity of it, and remarks upon it, § 1—13. Not every quality, even in eminent authors, is to be imitated; necessity of judgment in the choice of models for imitation, 14 – 21. We are not to imitate one author only, 22—26. Not to imitate style only, 27, 28.

1. From these authors, and others worthy to be read, a stock of words, a variety of figures, and the art of composition,

* *Si parum non concupisset..*] These words have troubled the commentators. Gesner and others omit the *non*; but, as it occurs in all the manuscripts, Buttmann justly observes that it must at any rate be retained. In explaining the passage, he makes *parum* equivalent to an accusative after *concupisset*, and gives it the signification of *id ipsum quod non est satis, quod est exile et minutum; ea quæ minùs tenuia et infra dignitatem rerum posita sunt.*

must be acquired; and our minds must be directed to the imitation of all their excellences; for it cannot be doubted that a great portion of art consists in *imitation*, since, though to invent was first in order of time, and holds the first place in merit, yet it is of advantage to copy what has been invented with success. 2. Indeed the whole conduct of life is based on the desire of doing ourselves that which we approve in others.* Thus boys follow the traces of letters in order to acquire skill in writing; thus musicians follow the voice of their teachers, painters look for models to the works of preceding painters, and farmers adopt the system of culture approved by experience. We see, in short, that the beginnings of every kind of study are formed in accordance with some prescribed rule. 3. We must, indeed, be either like or unlike those who excel; and nature rarely forms one *like*, though imitation does so frequently. But the very circumstance that renders the study of all subjects so much more easy to us, than it was to those who had nothing to imitate, will prove a disadvantage to us, unless it be turned to account with caution and judgment.

4. Undoubtedly, then, imitation is not sufficient of itself, if for no other reason than that it is the mark of an indolent nature to rest satisfied with what has been invented by others. For what would have been the case, if, in those times which were without any models, mankind had thought that they were not to execute or imagine anything but what they already knew? Assuredly nothing would have been invented. 5. Why then is it unlawful for anything to be devised by us which did not exist before? Were our rude forefathers led, by the mere natural force of intellect, to the discovery of so many things, and shall not we be roused to inquiry by the certain knowledge which we possess that those who sought, found? 6. When those who had no master in any subject, have transmitted so many discoveries to posterity, shall not the experience which we have in some things assist us to bring to light others, or shall we have nothing but what we derive from other men's bounty, as some painters aim at nothing more than to know how to copy a picture by means of compasses and lines?

7. It is dishonourable even to rest satisfied with simply

* We might suppose that this sentence suggested to Adam Smith his *Theory of Moral Sentiments*.

equalling what we imitate. For what would have been the case, again, if no one had accomplished more than he whom he copied? We should have nothing in poetry superior to Livius Andronicus, nothing in history better than the Annals of the Pontiffs; we should still sail on rafts; there would be no painting but that of tracing the outlines of the shadow which bodies cast in the sunshine.* 8. If we take a view of all arts, no one can be found exactly as it was when it was invented; no one that has confined itself within its original limits; unless, indeed, we have to convict our own times, beyond all others, of this unhappy deficiency, and to consider that now at last nothing improves; for certainly nothing does improve by imitation only. 9. But if it is not allowable to add to what has preceded us, how can we ever hope to see a complete orator, when among those, whom we have hitherto recognized as the greatest, no one has been found in whom there is not something defective or censurable? Even those who do not aim at the highest excellence, should rather try to excel, than merely follow, their predecessors; for he who makes it his object to get before another, will possibly, if he does not go by him, get abreast of him. 10. But assuredly no one will come up with him in whose steps he thinks that he must tread, for he who follows another must of necessity always be behind him. Besides, it is generally easier to do more, than to do precisely the same; since exact likeness is attended with such difficulty that not even nature herself has succeeded in contriving that the simplest objects,† and such as may be thought most alike, shall not be distinguished by some perceptible difference. 11. Moreover, everything that is the resemblance of something else, must necessarily be inferior to that of which it is a copy, as the shadow to the substance, the portrait to the natural face, and the acting of the player to the real feeling. The same is the case with regard to oratorical composition; for in the originals, which we take for our models, there is nature and real power, while every imitation, on the contrary, is something

* That such delineation was the origin of painting every one asserts: who first practised it, no one tells us. See Pliny, H. N. xxxv. 3 Athenag. Leg. pro Christ. p. 59 ed. Dechair. *Gesner.*

† *Res simplicissimæ.*] That is, those among which the least variety is found; those which we must not expect to be much distinguished one from another: as blades of grass and leaves. *Spalding.*

counterfeit, and seems adapted to an object not its own. 12. Hence it happens that declamations have less spirit and force than actual pleadings, because in one the subject is real, in the other fictitious. In addition to all this, whatever excellences are most remarkable in an orator, are inimitable, as natural talent, invention, energy, easiness of manner, and whatever cannot be taught by art. 13. In consequence, many students, when they have selected certain words, or acquired a certain rhythm of composition, from any orator's speeches, think that what they have read is admirably represented in their own sentences; though words fall into desuetude, or come into use, according to the fashion of the day, so that the most certain rule for their use is found in custom, and they are not in their own nature either good or bad, (for in themselves they are only sounds,) but just as they are suitably and properly applied, or otherwise; and when our composition is best adapted to our subject, it becomes most pleasing from its variety.

14. Everything, therefore, relating to this department of study, is to be considered with the nicest judgment. First of all, we must be cautious as to the authors whom we would imitate, for many have been desirous to resemble the worst and most faulty originals. In the next place, we must examine what there is in the authors whom we have chosen for models, that we should set ourselves to attain, for even in great writers there occur faulty passages and blemishes, which have been censured by the learned in their remarks on one another; and I wish that our youth would improve in their oratory by imitating what is good, as much as they are deteriorated in it by copying what is bad.

15. Nor let those who have sufficient judgment for avoiding faults, be satisfied with forming a semblance, a mere cuticle, if I may so express myself, of excellence, or rather one of those images of Epicurus,* which he says are perpetually flying off from the surfaces of bodies. 16. This, however, is the fate of those who, having no thorough insight into the merits of a style, adapt their manner, as it were, to the first aspect of it; and even when their imitation proves most successful, and when they differ but little from their original author, in language and harmony, they yet never fully attain to his force or fertility of language, but commonly degenerate

* See Lucret. iv. 48. Aul. Gell. v. 16. Cic. Ep. ad Div. xv. 16, 19.

into something worse, lay hold on such defects as border on excellences, and become tumid instead of great, weak instead of concise, rash instead of bold, licentious instead of exuberant, tripping instead of dignified, careless instead of simple. 17. Accordingly, those who have produced something dry and inane, in a rough and inelegant dress, fancy themselves equal to the ancients; those who reject embellishment of language or thought, compare themselves, forsooth, to the Attic writers; those who become obscure by curtailing their periods, excel Sallust and Thucydides; the dry and jejune rival Pollio; and the dull and languid, if they but express themselves in a long period, declare that Cicero would have spoken just like themselves. 18. I have known some, indeed, who thought that they had admirably represented the divine orator's manner in their speeches, when they had put at the end of a period *esse videatur*.* The first consideration, therefore, for the student, is, that he should understand *what he proposes to imitate*, and have a thorough conception *why it is excellent.*

19. Next, in entering on his task, let him consult his own powers, (for some things are inimitable by those whose natural weakness is not sufficient for attaining them, or whose natural inclination is repugnant to them,) lest he who has but a feeble capacity, should attempt only what is arduous and rough, or lest he who has great but rude talent, should waste his strength in the study of refinement, and fail of attaining the elegance of which he is desirous; for nothing is more ungraceful than to treat of delicate subjects with harshness. 20. I did not suppose, indeed, that by the master whom I instructed in my second book,† those things only were to be taught, to which he might see his pupils severally adapted by nature; he ought to improve whatever good qualities he finds in them; to supply, as far as he can, what is deficient; to correct some things and to alter others; for he is the director and regulator of the minds of others; to mould his own nature may be more difficult. 21. But not even such a teacher, however he may wish everything that is right to be found in the highest excellence in his pupils, will labour to any purpose in that to which he shall see that nature is opposed.

There is another thing also to be avoided, a matter in which many err; we must not suppose that poets and historians are

* IX. 4, 73. † C. 8.

to be the objects of our imitation in oratorical composition, or orators and declaimers in poetry or history. 22. Every species of writing has its own prescribed law; each its own appropriate dress; for comedy does not strut in tragic buskins, nor does tragedy step along in the slipper of comedy: yet all eloquence has something in common; and let us look on that which is common as what we must imitate. 23. On those who have devoted themselves to one particular kind of style, there generally attends this inconvenience, that if, for example, the roughness of some writer has taken their fancy, they cannot divest themselves of it in pleading those causes which are of a quiet and subdued nature; or if a simple and pleasing manner has attracted them, they become unequal to the weight of their subject in complex and difficult causes; when not only the nature of one cause is different from that of another, but the nature of one part of a cause differs from that of another part, and some portions are to be delivered gently, others roughly, some in a vehement, others in an easy tone, some for the purpose of informing the hearer, others with a view to excite his feelings; all which require a different and distinct style. 24. I should not, therefore, advise a student to devote himself entirely to any particular author, so as to imitate him in all respects. Of all the Greek orators Demosthenes is by far the most excellent; yet others, on some occasions, may have expressed themselves better; and he himself has expressed many things better on some occasions than on others. But he who deserves to be imitated most, is not therefore the only author to be imitated. 25. "What then?" the reader may ask, "is it not sufficient to speak on every subject as Cicero spoke?" To me, assuredly, it would be sufficient, if I could attain all his excellences. Yet what disadvantage would it be to assume, on some occasions, the energy of Cæsar, the asperity of Cælius, the accuracy of Pollio, the judgment of Calvus? 26. For besides that it is the part of a judicious student to make, if he can, whatever is excellent in each author his own, it is also to be considered, that if, in a matter of such difficulty as imitation, we fix our attention only on one author, scarcely any one portion of his excellence will allow us to become masters of it. Accordingly, since it is almost denied to human ability to copy fully the pattern which we have chosen, let us set before our eyes the excellences of

several, that different qualities from different writers may fix themselves in our minds, and that we may adopt, for any subject, the style which is most suitable to it.

27. But let imitation (for I must frequently repeat the same precept*) not be confined merely to words. We ought to contemplate what propriety was observed by those great men,† with regard to things and persons; what judgment, what arrangement, and how everything, even what seems intended only to please, was directed to the attainment of success in their cause. Let us notice what is done in their exordium; how skilful and varied is their statement of facts; how great is their ability in proving and refuting; how consummate was their skill in exciting every species of emotion; and how even the applause which they gained from the public was turned to the advantage of their cause; applause which is most honourable when it follows unsolicited, not when it is anxiously courted. If we gain a thorough conception of all these matters, we shall then be such imitators as we ought to be. 28. But he who shall add to these borrowed qualities excellences of his own, so as to supply what is deficient in his models, and to retrench what is redundant, will be the complete orator whom we desire to see; and such an orator ought now surely to be formed, when so many more examples of eloquence exist than fell to the lot of those who have hitherto been considered the best orators; for to them will belong the praise, not only of surpassing those who preceded them, but of instructing those who followed.

CHAPTER III.

Of writing; utility of it, § 1—4. How, and what, we should write; necessity of correction, 5—14. Judicious exercise requisite, 15—18. Objections to dictation, 19—21. A retired place desirable for composition; of writing at night, 22—27. But retirement cannot always be secured, and we must do our best in the circumstances in which we find ourselves, 28—30. Further remarks, 31—33.

1. Such, then, are the means of improvement to be derived

* Comp. sect. 13, 16. † Who are named in the preceding paragraph.

from external sources. But of those which we must secure for ourselves, *practice in writing*, which is attended with the most labour, is attended also with the greatest advantage. Nor has Cicero without reason called the pen *the best modeller and teacher of eloquence;* and by putting that opinion into the mouth of Lucius Crassus, in his Dialogues on the character of the Orator,* he has united his own judgment to the authority of that eminent speaker.

2. We must write, therefore, as carefully, and as much, as we can; for as the ground, by being dug to a great depth, becomes more fitted for fructifying and nourishing seeds, so improvement of the mind, acquired from more than mere superficial cultivation, pours forth the fruits of study in richer abundance, and retains them with greater fidelity. For without this precaution,† the very faculty of speaking extempore will but furnish us with empty loquacity, and words born on the lips.‡ 3. In writing are the roots, in writing are the foundations of eloquence; by writing resources are stored up, as it were, in a sacred repository, whence they may be drawn forth for sudden emergencies, or as circumstances require. Let us above all things get strength, which may suffice for the labour of our contests, and may not be exhausted by use. 4. Nature has herself appointed that nothing great is to be accomplished quickly, and has ordained that difficulty should precede every work of excellence;§ and she has even made it a law with

* De Orat. i. 33.

† *Sine hac conscientiâ.*] *Hæc conscientia* is nothing else but *hujus rei conscientia;* and *hæc res* is *insumptus in scribendo labor.* He only, who, while he speaks extempore, can support himself with the consciousness of having previously written much for the sake of exercise, will stand forth to plead with self-respect and without inconsiderateness. *Spalding.* "Nisi quis sibi conscius sit se multum in scribendo laborem insumpsisse." *Rollin.* Gesner would read *constantiâ*, by which the passage would surely not be improved. I cannot say that "precaution," which I have given in the text, is a translation of *conscientia*, but I have borrowed it, as a pretty fair equivalent for it, from Gedoyn's version of the passage: "Si notre propre conscience ne nous répond de cette précaution."

‡ *In labris nascentia.*] Not coming from the depths of the understanding.

§ In allusion, probably, to the line of Hesiod, Op. et Di. i. 287,

Τῆς δ' ἀρετῆς ἱδρῶτα θεοὶ προπάροιθεν ἔθηκαν.

Where Virtue dwells, the gods have plac'd before
The dropping sweat that springs from ev'ry pore. *Elton.*

regard to gestation, that the larger animals are retained longer in the womb of the parent.

5. But as two questions arise from this subject, *how*, and *what*, we ought principally to write, I shall consider them both in this order. Let our pen be at first slow, provided that it be accurate. Let us search for what is best, and not allow ourselves to be readily pleased with whatever presents itself; let judgment be applied to our thoughts, and skill in arrangement to such of them as the judgment sanctions; for we must make a selection from our thoughts and words, and the weight of each must be carefully estimated; and then must follow the art of collocation, and the rhythm of our phrases must be tried in every possible way, since any word must not take its position just as it offers itself. 6. That we may acquire this accomplishment with the more precision, we must frequently repeat the last words of what we have just written; for besides that by this means what follows is better connected with what precedes, the ardour of thought, which has cooled by the delay of writing, recovers its strength anew, and, by going again over the ground, acquires new force; as is the case, we see, in a contest at leaping; men run over a certain portion of ground that they may take a longer spring, and be carried with the utmost velocity to the other part on which they aim at alighting; as in hurling a javelin, too, we draw back the arm; and, when going to shoot an arrow, we pull back the bowstring. 7. At times, however, if a gale bear us on, we may spread our sails to it, provided that the licence which we allow ourselves does not lead us astray; for all our thoughts please us at the time of their birth; otherwise they would not be committed to writing. But let us have recourse to our judgment, and revise the fruit of our facility, which is always to be regarded with suspicion. 8. Thus we learn that Sallust wrote; and his labour, indeed, is shown in his productions. That Virgil wrote very few verses in a day Varus bears testimony.* 9. With the speaker, indeed, the case is different; and I, therefore, enjoin this delay and solicitude only at the commencement of his course; for we must make it first of all our object, and must attain that object, to write as well as we can; practice will bring celerity; thoughts, by degrees, will present them-

* See Aul. Gell. xvii. 10, where it is related that Virgil used to say of himself, that he licked his verses into shape as bears lick their cubs.

selves with greater readiness, words will correspond to them, and suitable arrangement will follow; and everything, in a word, as in a well ordered household, will be ready for service. 10. The sum of the whole matter, indeed, is this; that by writing quickly we are not brought to write well, but that by writing well we are brought to write quickly. But after this facility has been attained, we must then, most of all, take care to stop and look before us, and restrain our high-mettled steeds with the curb; a restraint which will not so much retard us, as give us new spirit to proceed.

Nor, on the other hand, do I think that those, who have acquired some power in the use of the pen, should be chained down to the unhappy task of perpetually finding fault with themselves. 11. For how could he perform his duty to the public, who should waste his life in polishing every portion of his pleadings? But there are some whom nothing ever satisfies; who wish to alter everything, and to express everything in a different form from that in which it first occurs to them. Some, again, there are, who, distrustful of themselves, and paying an ill compliment to their own powers, think that accuracy in writing means to create for themselves extraordinary difficulties. 12. Nor is it easy for me to say which I regard as more in the wrong, those whom everything that they produce, or those whom nothing that they produce, pleases; for it is often the case even with young men of talent, that they wear themselves away with useless labour, and sink into silence from too much anxiety to speak well. In regard to this subject, I remember that Julius Secundus,* a contemporary of mine, and, as is well known, dearly beloved by me, a man of extraordinary eloquence, but of endless labour, mentioned to me something that had been told him by his uncle. 13. This uncle was Julius Florus,† the most celebrated man for eloquence in the provinces of Gaul, (for it was there that he practised it,) and, in other respects, an orator to be ranked with few, and worthy of his relationship to Secundus. He, happening one day to observe that Secundus, while he was still working at school, was looking dejected, asked him what was the reason of his brow being so overcast. 14. The youth

* C. 1, sect. 120.

† Spalding supposes this to be the Julius Florus to whom Horace addresses the third epistle of his first book.

used no concealment, but told him that that was the third day that he had been vainly endeavouring, with his utmost efforts, to find an exordium for a subject on which he had to write; whence not only grief had affected him in respect to the present occasion, but despair in regard to the time to come. Florus immediately replied with a smile, *Do you wish to write better than you can?* 15. Such is the whole truth of the matter; we must endeavour to speak with as much ability as we can, but we must speak according to our ability. For improvement there is need of application, but not of vexation with ourselves.

But to enable us to write more, and more readily, not *practice* only will assist, (and in practice there is doubtless great effect,) but also *method*, if we do not, lolling at our ease, looking at the ceiling, and trying to kindle our invention by muttering to ourselves,* wait for what may present itself, but, observing what the subject requires, what becomes the character concerned, what the nature of the occasion is, and what the disposition of the judge, set ourselves to write like reasonable beings; for thus nature herself will supply us not only with a commencement but with what ought to follow. 16. Most points, indeed, are plain, and set themselves before our eyes if we do not shut them; and accordingly not even the illiterate and untaught have long to consider how to begin; and therefore we should feel the more ashamed if learning produces difficulty. Let us not, then, imagine that what lies hid is always best; or, if we think nothing fit to be said but what we have not discovered, we must remain dumb.

17. A different fault is that of those who wish, first of all, to run through their subject with as rapid a pen as possible, and, yielding to the ardour and impetuosity of their imagination, write off their thoughts extemporaneously, producing what they call a rough copy,† which they then go over again, and arrange what they have hastily poured forth; but though the words and rhythm of the sentences are mended, there still remains the same want of solid connexion that there was originally in the parts hurriedly thrown together. 18. It will be better, therefore, to use care at first, and so to form our work from

* Comp. ii. 11, 1.

† *Silvam.*] The thoughts being committed to writing, without any regular order, like trees in a wood. Cicero uses the word more than once in this sense.

the beginning that we may have merely to polish it, and not to mould it anew. Sometimes, however, we may give a loose to our feeling, in the display of which warmth is generally of more effect than accuracy.

19. From my disapprobation of carelessness in writing, it is clearly enough seen what I think of the fine fancy of dictation;* for in the use of the pen, the hand of the writer, however rapid, as it cannot keep pace with the celerity of his thoughts, allows them some respite; but he to whom we dictate urges us on, and we feel ashamed at times to hesitate, or stop, or alter, as if we were afraid to have a witness of our weakness. 20. Hence it happens, that not only inelegant and casual expressions, but sometimes unsuitable ones, escape us, while our sole anxiety is to make our discourse connected; expressions which partake neither of the accuracy of the writer nor of the animation of the speaker; while, if the person who takes down what is dictated, prove, from slowness in writing, or from inaccuracy in reading, a hindrance, as it were, to us, the course of our thought is obstructed, and all the fire that had been conceived in our mind is dispelled by delay, or, sometimes, by anger at the offender. 21. Besides, those gestures which accompany the stronger excitements of the mind, and which, in some degree, rouse the imagination, such as waving of the hand, alteration of the features, turning from side to side, and all such acts as Persius† satirizes, when he alludes to a negligent species of style, (the writer, he says,

Nec pluteum cædit, nec demorsos sapit ungues,
Nor thumps his desk, nor tastes his bitten nails,)

are utterly ridiculous except when we are alone. 22. In short, to mention once for all the strongest argument against dictation, privacy is rendered impossible by it; and that a spot free from witnesses, and the deepest possible silence, are the most desirable for persons engaged in writing, no one can doubt.

Yet we are not therefore necessarily to listen to those, who

* *De illis dictandi deliciis.*] Self-indulgence, and dislike of labour, had then become so prevalent that men of any station were growing careless about manual dexterity in writing, and, subsequently, *to dictate*, instead of *to write*, became a great portion of the business of the learned. Thus Sidonius Apollinaris, viii. 6, says that he had excelled many others *vario dictandi genere*, "in the various departments of dictation," and speaks of the three employments *certandi, dictandi lectitandique*. Gesner.

† I. 106.

think that groves and woods are the most proper places for study, because, as the free and open sky, they say, and the beauty of sequestered spots, give elevation to the mind and a happy warmth to the imagination. 23. To me, assuredly, such retirement seems rather conducive to pleasure than an incentive to literary exertion; for the very objects that delight us must, of necessity, divert our attention from the work which we designed to pursue; for the mind cannot, in truth, attend effectually to many things at once, and in whatever direction it looks off, it must cease to contemplate what had been intended for its employment. 24. The pleasantness, therefore, of the woods, the streams gliding past, the breezes sporting among the branches of the trees, the songs of birds, and the very freedom of the extended prospect, draw off our attention to them; so that all such gratifications seem to me more adapted to relax the thoughts than to brace them. 25. Demosthenes acted more wisely, who secluded himself in a place where no voice could be heard, and no prospect contemplated, that his eyes might not oblige his mind to attend to anything else besides his business. As for those who study by lamp-light, therefore, let the silence of the night, the closed chamber, and a single light, keep them as it were wholly in seclusion. 26. But in every kind of study, and especially in such nocturnal application, good health, and that which is the principal means of securing it, regularity of life,* are necessary, since we devote the time appointed us by nature for sleep and the recruiting of our strength, to the most intense labour; but on this labour we must not bestow more time than what is too much for sleep, and what will not leave too little for it: 27. for weariness hinders application to writing; and day-light, if we are free from other occupations, is abundantly sufficient for it; it is necessity that drives men engaged in business to read at night. Yet study by the lamp, when we come to it fresh and vigorous, is the best kind of retirement.

28. But silence and seclusion, and entire freedom of mind, though in the highest degree desirable, cannot always fall to our lot; and therefore we must not, if any noise disturbs us,

* *Frugalitas.*] Beware of circumscribing the meaning of this word within the limits to which we at present generally confine it, and of understanding it merely of temperance in regard to meat and drink. It signifies *boni mores*. as in xii 1, 8. *Spalding.*

immediately throw aside our books, and deplore the day as lost, but we must strive against inconveniences, and acquire such habits, that our application may set all interruptions at defiance; for if we direct our attention, with our whole mental energy, to the work actually before us, nothing of all that strikes our eyes or ears will penetrate into the mind. 29. Does a casual train of thought often cause us not to see persons in our way, and to wander from our road, and shall we not attain the same abstraction if we resolve to do so? We must not yield to excuses for idleness; for if we fancy that we must not study except when we are fresh, except when we are in good spirits, except when we are free from all other cares, we shall always have some reason for self-indulgence. 30. In the midst of crowds, therefore, on a journey, and even at festive meetings, let thought secure for herself privacy. Else what will be the result, when we shall have, in the midst of the forum, amid the hearing of so many causes, amid wranglings and casual outcries, to speak, perhaps on a sudden, in a continued harangue, if we cannot conceive the memoranda which we enter on our tablets, anywhere but in solitude? For this reason Demosthenes, though so great a lover of seclusion, used to accustom himself, by studying on the sea-shore, where the breakers dashed with the loudest noise, not to be disconcerted at the uproar of public assemblies

31. Some lesser matters also (though nothing is little that relates to study) must not be left unnoticed; one of which is, that we can write best on *waxen tablets*, from which there is the greatest facility for erasing, unless, perchance, weakness of sight* requires the use of parchment; but parchment, though it assists the sight, yet, from the frequent movement of the hand backwards and forwards, while dipping the pen in the ink, causes delay, and interrupts the current of thought. 32. Next we may observe, that in using either of these kinds of material, we should take care to leave some pages blank, on which we may have free scope for making any additions; (since want of room sometimes causes a reluctance to correct, or, at least, what was written first makes a confused mixture with what is inserted. But I would not have the waxen tablets extravagantly broad, having found a youth, otherwise anxious to

* The letters, it appears, were plainer and more legible on parchment or paper than on waxen tablets.

excel, make his compositions of too great a length, because he used to measure them by the number of lines, a fault which, though it could not be corrected by repeated admonitions, was at last removed by altering the size of his tablets. 33. There should also be a portion of space left vacant on which may be noted down what frequently occurs *out of order* to persons who are writing, that is, in reference to other subjects than those which we have in hand; for excellent thoughts sometimes start into our minds, which we cannot well insert in our pages, and which it is not safe to delay noting down, because they sometimes escape us, and sometimes, if we are anxious to keep them in memory, divert us from thinking of other things. Hence they will be properly deposited in a place for memoranda

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CHAPTER IV.

Observations on correction; we must not indulge in it too much.

1. NEXT follows *correction*, which is by far the most useful part of our studies; for it is believed, and not without reason, that the pen is not least serviceable when it is used to erase.* Of correction there are three ways, to *add*, to *take away*, and to *alter*.

In regard, however, to what is to be *added* or *taken away*, the decision is comparatively easy and simple; but to compress what is tumid, to raise what is low, to prune what is luxuriant, to regulate what is ill-arranged, to give compactness to what is loose, to circumscribe what is extravagant, is a two-fold task; for we must reject things that had pleased us, and find out others that had escaped us. 2. Undoubtedly, also, the best method for correction is to lay by for a time what we have written, so that we may return to it, after an interval, as if it were something new to us, and written by another, lest our writings, like new-born infants, compel us to fix our affections on them.

3. But this cannot always be done, especially by the orator, who must frequently write for present purposes; and correction

* When it prunes luxuriance and exuberance of style. See Cicero de Orat. ii 23.

must therefore have its limits; for there are some that return to whatever they compose as if they presumed it to be incorrect; and, as if nothing could be right that has presented itself first, they think whatever is different from it is better, and find something to correct as often as they take up their manuscript, like surgeons who make incisions even in sound places; and hence it happens that their writings are, so to speak, scarred and bloodless, and rendered worse by the remedies applied. Let what we write, therefore, sometimes please, or at least content us, that the file may polish our work, and not wear it to nothing. To the time, too, allowed for correction, there must be a limit; for as to what we hear about Cinna's Zmyrna,* that it occupied nine years in writing, and about the Panegyric of Isocrates, which they who assign the shortest period to its production,† assert to have been ten years in being finished, it is of no import to the orator, whose aid would be useless if it were so long in coming.

CHAPTER V.

What sort of composition we should practise; of translating Greek into Latin, § 1—8. Of putting the writing of eminent authors into other words, 9—11. Of theses, common places, declamations, and other species of composition and exercise, 12—20. Cases for declamation should be as similar as possible to real cases, 21—23.

1. The next point is, to decide *on what we should employ ourselves when we write.* It would be a superfluous labour, indeed, to detail what subjects there are for writing, and what should be studied first, or second, and so on in succession; for this has been done in my first book,‡ in which I prescribed the order for the studies of boys, and in my second,§ where I specified those of the more advanced; and what is now to be

* Zmyrna or Myrrha, see ix. 2, 64. The author was Caius Helvius Cinna; and that he was nine years about the poem, (or play, as Gedoyn inclines to think it,) is stated in one of the epigrams of Catullus. Horace's term of "nine years" was probably taken from Cinna's period of devotion to his work.

† Some say that it occupied fifteen years, as Plutarch observes in his Life of Isocrates. *Spalding.* ‡ C. 9. § C. 4, 10.

considered, is whence copiousness and facility of expression may be derived.

2. To translate Greek into Latin our old orators thought to be a very excellent exercise. Lucius Crassus, in the well-known books of Cicero *De Oratore*,* says that he often practised it; and Cicero himself, speaking in his own person,† very frequently recommends it, and has even published books of Plato and Xenophon‡ translated in that kind of exercise. It was also approved by Messala; and there are extant several versions of speeches made by him, so that he even rivalled the oration of Hyperides for Phryne in delicacy of style, a quality most difficult of attainment to Romans. 3. The object of such exercise is evident; for the Greek authors excel in copiousness of matter, and have introduced a vast deal of art into the study of eloquence; and, in translating them, we may use the very best words, for all that we use may be our own. As to figures,§ by which language is principally ornamented, we may be under the necessity of inventing a great number and variety of them, because the Roman tongue differs greatly from that of the Greeks.

4. But the conversion of Latin writing into other words will also be of great service to us. About the utility of turning poetry into prose, I suppose that no one has any doubt; and this is the only kind of exercise that Sulpicius is said to have used; for its sublimity may elevate our style, and the boldness of the expressions adopted by poetic license does not preclude* the orator's efforts to express the same thoughts in the exactness of prose. He may even add to those thoughts oratorical vigour, supply what has been omitted, and give compactness to that which is diffuse, since I would not have

* I. 34.

† I am not able to point out any passage to that effect in Cicero's works; for I have no recollection that the study of Greek literature is recommended by him otherwise than generally, as at the beginning of the first book *De Officiis*, in the books *De Finibus*, and in that part of the *Brutus* where he speaks of his own plan of study. *Spalding.*

‡ The Timæus and Protagoras of Plato, and the Œconomics of Xenophon.

§ Verbal figures, says Spalding, and figures of grammar rather than of rhetoric, the allusion being to the art which a translator must use in rendering from Greek into Latin. See i. 1, 13; iv. 2, 118.

‖ *Non præsumunt.*] *Præsumere*, says Burmann, is equivalent to *non impedire quominùs.*

our paraphrase to be a mere interpretation, but an effort to vie with and rival our original in the expression of the same thoughts. 5. I therefore differ in opinion from those who disapprove of paraphrasing Latin orations,* on the pretext that, as the best words and phrases have been already used, whatever we express in another form, must of necessity be expressed worse. But for this allegation there is no sufficient ground; for we must not despair of the possibility of finding something better than what has been said; nor has nature made language so meagre and poor that we cannot speak well on any subject except in one way; unless we suppose, indeed, that the gestures of the actor can give a variety of turns to the same words, but that the power of eloquence is so much inferior that when a thing has been once said, nothing can be said after it to the same purpose. 6. But let it be granted that what we conceive is neither better than our original nor equal to it; yet it must be allowed, at the same time, that there is a possibility of coming near to it. 7. Do not we ourselves at times speak twice or oftener, and sometimes a succession of sentences, on the same subject, and are we to suppose that though we can contend with ourselves we cannot contend with others? If a thought could be expressed well only in one way, it would be but right to suppose that the path of excellence has been shut against us by some of our predecessors; but in reality there are still innumerable modes of saying a thing, and many roads leading to the same point. 8. Conciseness has its charms, and so has copiousness; there is one kind of beauty in metaphorical, another in simple expressions; direct expressions become one subject, and such as are varied by figures another. In addition, the difficulty of the exercise is most serviceable. Are not our greatest authors by this means studied more carefully? For, in this way, we do not run over what we have written in a careless mode of reading, but consider every individual portion, and look, from necessity, thoroughly into their matter, and learn how much merit they possess from the very fact that we cannot succeed in imitating them.

9. Nor will it be of advantage to us only to alter the language of others; it will be serviceable also to vary our own in a number of different forms, taking certain thoughts for the

* Something to this effect is said by Crassus in Cicero de Orat. i. 34.

purpose, and putting them, as harmoniously as possible, into several shapes, just as different figures are moulded out of the same wax. 10. But I consider that the greatest facility in composition is acquired by exercise in the simplest subjects; for in treating of a multiplicity of *persons*, *causes*, *occasions*, *places*, *sayings*, and *actions*, our real weakness in style may readily escape notice amidst so many subjects which present themselves on all sides, and on some of which we may readily lay hold. 11. But the great proof of power is to expand what is naturally contracted, to amplify what is little, to give variety to things that are similar, and attraction to such as are obvious, and to say with effect much on a little.

To this end *indefinite questions* will much contribute, questions which we call θέσεις, and on which Cicero, even when he had become the first orator in his country, used to exercise himself.* 12. Next in utility to these are *refutations* and *defences of sentences;* for as a sentence is a sort of decree and order, whatever questions may arise regarding the subject of it, may also arise regarding the decision on the subject. Next stand *common-places*,† on which we know that accomplished orators have written. For he who shall succeed in treating fully on questions that are plain and direct, and do not involve any complicated inquiries, will be still better able to expatiate on such as admit of excursive discussion, and will be prepared for any cause whatever. 13. All causes, indeed, rest on general questions; for what difference does it make, for instance, whether *Cornelius, as tribune of the people, is accused of having read to the people the manuscript of a proposed law*,‡ or whether we have to consider the general question, *Is it a breach of the dignity of office, if a magistrate reads his own law to the people in his own person?* What difference does it make whether the question to be tried is, *Did Milo lawfully kill Clodius?* or, *Ought a lier-in-wait to be killed, or a mischievous member of the commonwealth, even though he be not a lier-in-wait?* What is the difference whether the question is, *Did Cato act properly in giving up his wife to Hortensius?* or, *Does such a proceeding become a*

* See ii. 7, 9. Cicero ad Att. ix. 4, 19. Gesner very properly observes that Cicero's *Paradoxes* are of this species of composition.

† II. 4, 27; iv. 2, 117. ‡ See iv 4, 8.

respectable man? Decision is pronounced concerning the persons, but the dispute concerns the general questions.

14. *Declamations*, too, such as are usually pronounced in the schools, are, if but adapted to real cases, and made similar to actual pleadings, of the greatest service, not only while our education has still to reach maturity, (for the exercise is alike both in conception and in arrangement,) but even when our studies are said to be completed, and have obtained us reputation in the forum; since eloquence is thus nurtured and made florid, as it were, on a richer sort of diet, and is refreshed after being fatigued by the constant roughnesses of forensic contests. 15. Hence, also, the copious style of *history* may be tried with advantage for exercising the pen; and we may indulge in the easy style of *dialogues*. Nor will it be prejudicial to our improvement to amuse ourselves with verse; as athletes, relaxing at times from their fixed rules for food and exercise, recruit themselves with ease and more inviting dainties. 16. It was from this cause, as it seems to me, that Cicero threw such a glorious brilliancy over his eloquence, that he used freely to ramble in such sequestered walks of study; for if our sole material for thought is derived from law cases, the gloss of our oratory must of necessity be rubbed off, its joints must grow stiff, and the points of its wit be blunted by daily encounters.

17. But though this feasting, as it were, of eloquence, refreshes and recruits those who are employed, and, as we may say, at war, in the field of the forum, yet young men ought not to be detained too long in fictitious representations and empty semblances of real life; to such a degree, I mean, that it would be difficult to familiarize them, when removed from such illusions, to the occupations of the forum; lest, from the effect of the retirement in which they have almost wasted away their life, they should shrink from the field of action as from too dazzling sunshine. 18. This is said indeed to have been the case with Porcius Latro, who was the first professor of rhetoric of any eminence, so that, when he was called on to plead a cause in the forum, at the time that he bore the highest character in the schools, he used earnestly to entreat that the benches of the judges might be removed into the hall; for so strange did the open sky appear to him, that all his eloquence seemed to lie within a roof and walls. 19. Let the

young man, then, who has carefully learned skil. in conception and expression from his teachers, (which will not be an endless task if they are able and willing to teach,) and who has gained a fair degree of facility by practice, choose some orator, as was the custom among the ancients, whom he may follow and imitate; let him attend as many trials as possible, and be a frequent spectator of the sort of contest for which he is intended. 20. Let him set down cases also in writing, either the same that he has heard pleaded, or others, provided that they be on real facts, and let him handle both sides of the question; and, as we see in the schools of gladiators, let him exercise himself with arms that will decide contests,* as we observed that Brutus did in composing a speech for Milo.† This is a much better practice than writing replies to old speeches, as Cestius‡ did to the speech of Cicero on behalf of Milo, though he could not have had a sufficient knowledge of the other side from reading only the defence.

21. The young man will thus be sooner qualified for the forum, whom his master has obliged to approach in his declamations as nearly as possible to reality, and to range through all sorts of cases, of which masters now select only the easiest parts, as most favourable for exhibition. The ordinary hindrances to such variety in cases,§ are the crowd of pupils, the custom of hearing the classes on stated days, and, in some degree, the influence of parents, who count their sons' declamations rather than judge of the merit of them. 22. But a good master, as I said, I believe, in my first book,‖ will not encumber himself with a greater number of pupils than he can well undertake to teach; he will put a stop to all empty loquacity, allowing everything to be said that concerns the

* *Decretoriis.*] "The gladiators," says Seneca the Rhetorician, Controv. lib. iv. præf. "exercise themselves with heavier arms than those with which they actually fight." So Caligula is said by Suetonius, c. 54, to have used *pugnatoria arma*, which are the same as those here called *decretoria* by Quintilian. *Spalding.*

† C. 1, sect. 23.

‡ A man of Greek origin, who practised rhetoric at Rome. See Seneca the father, p. Bip. 399. *Spalding.*

§ *Huic quod secundo loco posui.*] That is, *per totas ire materias*; comp. vii. 2, 9; ix. 2, 6. *Spalding.*

‖ *Quod dixi primo, ut arbitror, libro.*] See i. 2. 15. Quintilian seems to me to have used the expression *ut arbitror* rather *deliciandi causâ* than from forgetfulness. *Spalding.*

question for decision, but not everything, as some would wish, within the range of possibility; and he will relax the stated course for speaking by granting longer time, or will permit his pupils to divide their cases into several parts, for one part carefully worked out will be of more service than many only half finished or just attempted 23. It is from this desultoriness that nothing is put in its proper place in a speech, and that what is introduced at the beginning does not keep within its due bounds, as the young men crowd all the flowers of eloquence into what they are just going to deliver, and hence, from a fear of losing opportunities in the sequel, throw their commencement into utter confusion.

CHAPTER VI.

Of thought and premeditation.

1. NEXT to writing is *meditation*, which indeed derives strength from it, and is something between the labour of writing and the trial of our fortune in extemporary speaking; and I know not whether it is not more frequently of use than either; for we cannot write everywhere and at all times; but there is abundance of time and room for thought. Meditation may in a very few hours embrace all points of the most important causes. When our sleep is broken at night, meditation is aided by the very darkness. Between the different stages in the pleading of a cause it finds some room to exercise itself, and never allows itself to be idle. 2. Nor does it only arrange within its circle the order of things, (which would itself be a great assistance to us,) but forms an array of words, and connects together the whole texture of a speech, with such effect, that nothing is wanting to it but to write it down. That, indeed, is in general more firmly fixed in the memory, on which the attention does not relax its hold from trusting too securely to writing.

But at such power of thought we cannot arrive suddenly or even soon. 3. In the first place, a certain *form* of thinking must be acquired by great practice in writing, a form which may be continually attendant on our meditations; a *habit* of

thinking must then be gradually gained by embracing in our minds a few particulars at first, in such a way that they may be faithfully repeated; next, by additions so moderate that our task may scarcely feel itself increased, our power of conception must be enlarged, and sustained by plenty of exercise; power which in a great degree depends on memory, and I shall consequently defer some remarks on it till I enter on that head of my subject.* 4. Yet it has already been made apparent,† that he to whom nature does not obstinately refuse her aid, may, if assisted only by zealous application, attain such proficiency that what he has merely meditated, as well as what he has written and learned by heart, may be faithfully expressed in his efforts at oratory. Cicero indeed has acquainted us that, among the Greeks, Metrodorus of Scepsis,‡ and Empylus§ of Rhodes, and Hortensius among our own countrymen, could, when they pleaded a cause, repeat word for word what they had premeditated.

5. But if by chance, while we are speaking, some glowing thought, suggested on the instant, should spring up in our minds, we must certainly not adhere too superstitiously to that which we have studied; for what we meditate is not to be settled with such nicety, that room is not to be allowed for a happy conception of the moment, when thoughts that suddenly arise in our minds are often inserted even in our written compositions Hence the whole of this kind of exercise must be so ordered that we may easily depart from what we have arranged and easily return to it; since, though it is of the first importance to bring with us from home a prepared and precise array of language, yet it would be the greatest folly to reject the offerings of the moment. 6. Let our *premeditation*, therefore, be made with such care that fortune, while she is unable to disappoint, may have it in her power to assist us. But it will depend on the strength of our memory, whether what we have embraced in our minds flows forth easily, and

* B. xi. c. 2.

† *Eo tamen pervenit*, sc. *res*; "the subject has come to this," that is, what has been previously said is sufficient to show this.

‡ He was celebrated for the cultivation of his memory. See Cicero de Orat. ii. 88. See also Pliny, H. N. vii. 24.

§ The name Empylus does not occur in any work of Cicero that we now have. A rhetorician of that name is mentioned by Plutarch as the companion of Brutus, Vit. Brut. c. 2.

does not prevent us, while we are anxious and looking back, and relying on no hope but that of recollection, from casting a glance in advance; otherwise I should prefer extemporary venturesomeness to premeditation of such unhappy coherence. It has the very worst effect to be turning back in quest of our matter, because, while we are looking for what is in one direction, we are diverted from what is in another, and we derive our thoughts rather from mere memory than from our proper subject. Supposing, too, that we had to depend wholly on premeditation or wholly on the conceptions of the moment, we know very well that more may be imagined than has been imagined.

CHAPTER VII.

Of the ability of speaking extempore; necessity for it, § 1—4. How it is to be acquired, 5—23. How we must guard against losing it, 24—33.

1. But the richest fruit of all our study, and the most ample recompense for the extent of our labour, is *the faculty of speaking extempore;* and he who has not succeeded in acquiring it, will do well, in my opinion, to renounce the occupations of the forum, and devote his solitary talent of writing to some other employment; for it is scarcely consistent with the character of a man of honour to make a public profession of service to others which may fail in the most pressing emergencies, since it is of no more use than to point out a harbour to a vessel, to which it cannot approach unless it be borne along by the gentlest breezes. 2. There arise indeed innumerable occasions where it is absolutely necessary to speak on the instant, as well before magistrates, as on trials that are brought on before the appointed time;* and if any of these shall occur, I do not say to any one of our innocent fellow-citizens, but to any of our own friends or relatives, is an advocate to stand dumb, and, while they are

* *Repræsentatis judiciis.*] That is, *ante statutum vel expectatum tempus prolatis.* So *repræsentare pecuniam* for "to pay it before the appointed time." *Capperonier.*

begging for a voice to save them, and are likely to be undone if succour be not instantly afforded them, is he to ask time for retirement and silent study, till his speech be formed and committed to memory, and his voice and lungs be put in tune? 3. What system of pleading will allow of an orator being unprepared for sudden calls? What is to be done when we have to reply to an opponent? for that which we expected him to say, and in answer to which we composed our speech, often disappoints our anticipations, and the whole aspect of the cause is suddenly changed; and as the pilot has to alter his course according to the direction of the winds, so must our plan be varied to suit the variation in the cause 4. What profit does much writing, constant reading, and a long period of life spent in study, bring us, if there remains with us the same difficulty in speaking that we felt at first? He, assuredly, who has always to encounter the same labour, must admit that his past efforts were to no purpose. Not that I make it an object that an orator should prefer to speak extempore; I only wish that he should be able to do so.

This talent we shall most effectually attain by the following means. 5. First of all, let our method of speaking be settled; for no journey can be attempted before we know to what place, and by what road, we have to go. It is not enough not to be ignorant what the parts of judicial causes are, or how to dispose questions in proper order, though these are certainly points of the highest importance, but we must know what ought to be first, what second, and so on, in each department of a pleading; for different particulars are so connected by nature that they admit no alteration of their order, nor allow any thing to be forced between them, without manifest confusion. 6. But he who shall speak according to a certain method, will be led forward, most of all, by the series of particulars, as by a sure guide; and hence even persons of but moderate practice will adhere with the greatest ease to the chain of facts in their narratives. They will also know what they want in each portion of a speech, and will not look about like persons at a loss; nor will they be distracted by ideas that present themselves from other quarters, nor mix up their speech of ingredients collected from separate spots, like men leaping hither and thither, and resting nowhere

7. They will likewise have a certain range and limit, which cannot exist without proper division. When they have treated, to the best of their ability, of everything that they had proposed to themselves, they will be sensible that they have come to a termination.

These qualifications depend on *art;* others on *study;* thus we must acquire, as has been already directed, an ample store of the best language; our style must be so formed by much and diligent composition, that even what is poured forth by us unpremeditatedly may present the appearance of having been previously written; so that, after having written much, we shall have the power of speaking copiously. 8. For it is *habit* and *exercise* that chiefly beget facility, and if they are intermitted, even but for a short period, not only will our fluency be diminished, but our mouth may even be closed. 9. Since, though we have need of such natural activity of mind, that, while we are uttering what is immediately present to our thoughts, we may be arranging what is to follow, and that thought preconceived and put into shape may always be ready for our voice, yet scarcely could either nature or art fix the mind on such manifold duties, as that it should suffice at once for invention, arrangement, delivery, for settling the order of our matter and words, for conceiving what we are uttering, what we must say next, and what is to be contemplated still further on, while its attention is given, at the same time, to our tone, pronunciation, and gesture. 10. Our activity of mind, indeed, must stretch far in advance, and drive our subject, as it were, before it, and whatever portion of our matter is consumed in speaking, an equal portion must be brought forward from that which is to follow, so that, until we arrive at the end, our prospect may advance no less than our step, unless, indeed, we are content to stop and stumble at every phrase, and throw out short and broken expressions like persons sobbing out what they have to say.

11. There is accordingly a certain unreflecting and mechanical habit, which the Greeks call ἄλογος τριβή, such as that by which the hand runs on in writing, and by which the eye, in reading, sees several lines, with their turns and transitions, at once, and perceives what follows before the voice has uttered what precedes. Hence the possibility of those won

derful tricks of performers on the stage with balls, and of other jugglers,* whose dexterity is such that one might suppose the things which they throw from them to return into their hands of their own accord, and to fly whithersoever they are commanded to go. 12. But such habit will be of advantage to us only where the art, of which we spoke, has preceded it, so that that which is done without reflection may yet have its origin in reflection. For he only seems to me to speak, who speaks connectedly, elegantly, and fluently; otherwise he appears only to utter noisy gabble. 13. Nor shall I ever admire a stream of fortuitous eloquence, which I hear in abundance even among women when they are quarrelling, though it often happens,† that when ardour and animation carry a speaker along, no study can equal the success of his extemporary efforts. 14. When such a flow of language occurred, the old orators, as Cicero observes,‡ used to say that some god had inspired the orator. But the cause of the fluency is evident; for strongly conceived thoughts, and images rising fresh in the mind, bear us along with uninterrupted rapidity, when they would sometimes, if retarded by the slowness of writing, grow cool, and, if put off, would never return.§ When to this, too, is added an unhappy scrupulousness about words, and the progress of the speaker is thus stopped at every step, the impulse of eloquence can have no free course; and even though his choice of particular words may be extremely happy, yet the combination of them will proceed with no natural ease, but will appear like the laborious construction of art.

15. Those images, therefore, to which I have alluded,‖ and which, I observed, are called φαντασίαι by the Greeks,

* *Pilariorum ac ventilatorum.*] The *pilarii* had their name from *pila*, a ball; and we can easily understand what sort of performances theirs were. What the *ventilatores* did is not known; Turnebus supposes that they were so called from *ventus*, because they made things which they had in their hands *abire*, as it were, *in ventos*, disappear in the air.

† *Cum eo quòd, si calor et spiritus tulit, frequenter accidit*, &c.] Spalding (ad ii. 4, 30) observes that *cum eo quòd* is equivalent to *quò et hoc accedit quòd*. Gesner and others read *quem si calor et spiritus tulit*, &c.

‡ Spalding says that he cannot find any passage in Cicero to that effect.

§ Comp. c. 3, fin. ‖ Comp. viii. 3, 64; xi. 3, 62; xii. 10, 6.

must be carefully cherished in our minds, and everything on which we intend to speak, every person and every question, and all the hopes and fears likely to be attendant on them, must be kept full before our view, and admitted as it were into our hearts; for it is strength of feeling combined with energy of intellect, that renders us eloquent. Hence even to the illiterate words are not wanting, if they be but roused by some strong passion. 16. Our attention must also be fixed, not merely on any single object, but on several in connexion, just as, when we cast our eye along a straight road, we see everything that is on it and about it, commanding a view, not only of the end of it, but of the whole way to the end.

17. The fear of failure, moreover, and the expectation of praise for what we shall say, gives a spur to our exertions, and it may seem strange that though the pen delights in seclusion, and shrinks from the presence of a witness, extemporal oratory is excited by a crowd of listeners, as the soldier by the mustering of the standards; for the necessity of speaking expels and urges forth our thoughts, however difficult to be expressed, and the desire to please increases our efforts. So much does everything look to reward, that even eloquence, though it has the highest pleasure in the exercise of its own powers, is yet greatly incited by the enjoyment of praise and reputation.

18. But let no one feel such confidence in his talents, as to hope that this power will come to him as soon as he attempts oratory; but, as I directed with regard to meditation,* so, in cultivating facility in extemporary speaking, we must advance it, by slow degrees, from small beginnings to the highest excellence; but it can neither be acquired nor retained without practice. 19. It ought, however, to be attained to such a degree, that premeditation, though safer, may not be more effective; since many have had such command of language, not only in prose, but even in verse, as Antipater of Sidon † and Licinius Archias;‡ for we must rely on Cicero's authority with regard to them both; not but that even in our own times some have exercised this talent and still exercise it. I mention the acquirement, however, not so much because I

* See c. 6, sect. 3. I read *præcepimus* with Gesner, instead of *præcipimus*, which is in Spalding's text.

† Cicero de Orat. iii. 50.

‡ Cicero pro Archiâ, c. 8.

think it commendable in itself, (for it is of no practical value, nor at all necessary,) as because I consider it a useful example for those who require to be encouraged in the hope of attaining such facility, and who are in the course of preparation for the forum.

20. Nor, again, would I ever wish, for my own part, to have such confidence in my readiness to speak, as not to take at least a short time, which may almost always be had, to consider what I am going to say; and time indeed is always allowed both on trials and in the forum. No one, assuredly, can plead a cause which he has not studied. 21. Yet a perverse kind of ambition moves some of our declaimers to profess themselves ready to speak as soon as a case is laid before them; and, what is the most vain and theatrical of all their practices, they even ask for a word with which they may commence. But Eloquence, in her turn, derides those who thus insult her; and those who wish to appear learned to fools are decidedly pronounced fools by the learned.

22. Yet if any chance shall give rise to such a sudden necessity for speaking extempore, we shall have need to exert our mind with more than its usual activity; we must fix our whole attention on our matter, and relax, for the time, something of our care about words, if we find it impossible to attend to both. A slower pronunciation, too, and a mode of speaking with suspense and doubt, as it were, gives time for consideration; yet we must manage so that we may seem to deliberate and not to hesitate. 23. To this cautious method of delivery we may adhere as long as we are clearing the harbour, should the wind drive us forward before our tackle is sufficiently prepared; afterwards, as we proceed on our course, we shall fill our sails and arrange our ropes by degrees, and pray that our canvas may be filled with a prosperous gale. This will be better than to launch forth on an empty torrent of words, so as to be carried away with it, as by the blasts of a tempest, whithersoever it may wish to sweep us.

24. But this talent requires to be kept up with no less practice than it is acquired. An art,* indeed, once thoroughly

* *Ars enim semel percepta non labitur; stilus quoque intermissione vaullulum admodum de celeritate deperdit.*] The conjunctions *enim* and *quoque* puzzle the commentators, and there is doubtless something wrong in the text, but how it is to be corrected, without violence to

learned, is never wholly lost. Even the pen, by disuse, loses but very little of its readiness; while promptitude in speaking, which depends on activity of thought, can be retained only by exercise. Such exercise we may best use by speaking daily in the hearing of several persons, especially of those for whose judgment and opinion we have most regard; for it rarely happens that a person is sufficiently severe with himself.* Let us however rather speak alone than not speak at all. 25. There is also another kind of exercise, that of meditating upon whole subjects and going through them in silent thought, (yet so as to speak as it were within ourselves,) an exercise which may be pursued at all times and in all places, when we are not actually engaged in any other occupation: and it is in some degree more useful than the one which I mentioned before it; for it is more accurately pursued than that in which we are afraid to interrupt the continuity of our speech.† 26. Yet the other method, again, contributes more to improve other qualifications, as strength of voice, flexibility of features, and energy of gesture, which of itself, as I remarked,‡ rouses the orator, and, as he waves his hand and stamps his foot, excites him as lions are said to excite themselves by the lashing of their tails.§

27. But we must study at all times and in all places; for there is scarcely a single one of our days so occupied that some profitable attention may not be hastily devoted during at least some portion of it, (as Cicero‖ says that Brutus used to do,) to writing, or reading, or speaking. Caius Carbo,¶ even

the passage, is not apparent. Quintilian's meaning, however, is pretty clear. I have given the passage the same turn with the French translator in Didot's "Collection des Auteurs Latins."

* *Rarum est enim ut satis se quisque vereatur.*] A man is apt to be too indulgent to his own performances.

† Rather than interrupt the course of a speech that we deliver aloud, we even make use of trifling and common phraseology, but in "speaking as it were within ourselves," we may use none but the best language that we can command. ‡ C. 3, sect. 21.

§ As Longinus, sect. 15, says of Euripides.

‖ "Amid your most important occupations, you never intermit the pursuits of learning; you are always either writing something yourself, or inviting me to write." Cicero Orat. c. 10.

¶ Of Carbo's writing in his tent, I find no mention in any other author. But Carbo's industry in his studies is highly commended by Cicero, Brut. c. 27, and de Orat. i. 34. *Spalding.*

in his tent, was accustomed to continue his exercises in oratory. 28. Nor must we omit to notice the advice, which is also approved by Cicero,* that no portion even of our common conversation should ever be careless; and that what ever we say, and wherever we say it, should be as far as possible excellent in its kind. As to writing, we must certainly never write more than when we have to speak much extempore; for by the use of the pen a weightiness will be preserved in our matter, and that light facility of language, which swims as it were on the surface, will be compressed into a body;† as husbandmen cut off the upper roots of the vine, (which elevate it to the surface of the soil,) in order that the lower roots may be strengthened by striking deeper. 29. And I know not whether both exercises, when we perform them with care and assiduity, are not reciprocally beneficial, as it appears that by writing we speak with greater accuracy, and by speaking we write with greater ease. We must write, therefore, as often as we have opportunity; if opportunity is not allowed us, we must meditate; if we are precluded from both, we must nevertheless endeavour that the orator may not seem to be caught at fault, nor the client left destitute of aid. 30. But it is the general practice among pleaders who have much occupation, to write only the most essential parts, and especially the commencements, of their speeches; to fix the other portions that they bring from home in their memory by meditation; and to meet any unforeseen attacks with extemporaneous replies.

That Cicero adopted this method is evident from his own memoranda.‡ But there are also in circulation memoranda of other speakers, which have been found, perhaps,§ in the state in which each had thrown them together when he was going to speak, and have been arranged in the form of books; for instance, the memoranda of the causes pleaded by Servius Sulpicius, three‖ of whose orations are extant; but these

* This I have in vain sought in Cicero; other commentators pass the passage without notice. *Spalding.*

† *In altum reducetur.*] See vii. 1. 44. *Hæc velut innatantia videbunt.* Respecting the amputation of the roots of vines, see Columella, iv. 8.

‡ Comp. iv. 1, 69.

§ *Inventi forte.*] "Qui ont peut être été trouvés." French translator in Didot's Collection.

‖ C. 1, sect. 116.

memoranda,* of which I am now speaking, are so carefully arranged, that they appear to me to have been composed by him to be handed down to posterity. 31. Those of Cicero, which were intended only for his particular occasions, his freedman Tiro collected; and, in saying this, I do not speak of them apologetically, as if I did not think very highly of them, but intimate, on the contrary, that they are for that reason more worthy of admiration.

Under this head, I express my full approbation of short notes, and of small memorandum-books which may be held in the hand, and on which we may occasionally glance. 32. But the method which Lænas recommends, of reducing what we have written into summaries, or into short notes and heads, I do not like; for our very dependence on these summaries begets negligence in committing our matter to memory, and disconnects and disfigures our speech.† I even think that we should not write at all what we design to deliver from memory; for, if we do so, it generally happens that our thoughts fix us to the studied portions of our speech, and do not allow us to try the fortune of the moment. Thus the mind hangs in suspense and perplexity between the two,‡ having lost sight of what was written, and yet not being at liberty to imagine anything new. For treating on the memory, however, a place is appointed in the next book; but it cannot be immediately subjoined to these remarks, because I must speak of some other matters previously

* Those of Sulpicius.

† For, when some portions of what we have written in our larger memoranda remain in our memory, others have entirely escaped from it, and others occur to it only partially, the tenor of our speech must necessarily be interrupted and irregular, and the parts of it dissimilar. *Jesner.*

‡ Between the writing and the memory.

BOOK XI.

CHAPTER I.

Of speaking with propriety; in different causes, 1—5. In different parts of the same cause, 6, 7. The orator's chief consideration is, *what is becoming*, 8—11. What is becoming is generally found in union with *what is expedient*, 12—14. Vanity and self-applause always unbecoming in an orator, 15—17. Whether Cicero is chargeable with this fault, 18—24. But an orator may sometimes express confidence, 25, 26. Yet not so as to declare that his judgment must be infallible, 27, 28. Other faults in orators noticed, 29, 30. Different kinds of oratory are suited to different speakers, 31—38. An orator should also adapt his style to the characters of those for whom he pleads, 39—42. He must also vary it to suit those to whom he addresses himself, 43—45. He must also have regard to time and place, 46—48. To the nature of the cause, 49—56. To the characters of those to whom he is opposed, 57—67. How he may sometimes avoid offending those against whom he speaks, 68—74. How the judge may be conciliated, 75—77. How an orator may notice points in which he is conscious that he himself, or his party, is vulnerable, 78—83. How he may touch on delicate subjects, 84. How he may soften his language in an attack on any one, 85—90. Excess in every respect to be avoided, 91. Different kinds of oratory find favour with different audiences, 92, 93.

1. HAVING acquired, as is stated in the preceding book, the ability of writing and thinking, as well as of speaking extempore when necessity requires, our next study must be *to speak with aptitude*, an excellence which Cicero shows to be the fourth* in elocution, and which is indeed, in my opinion, the most important of all. 2. For as the dress of oratory is various and manifold, and different forms of it are suited to different subjects, it will, unless it be thoroughly adapted to things and persons, not only not add lustre to our eloquence, but will even destroy the force of it, and give to our efforts an effect contrary to that which we intended. Of what avail will it be that our language is pure Latin, that it is expressive, elegant, adorned with figures, and harmoniously arranged, unless it be also adapted to establish the conclusions to which we wish the judge to be led, and to confirm him in them? 3. Of what

* De Orat. iii. 10. "What sort of delivery can be better than that of speaking *in pure Latin*, with *perspicuity*, with *gracefulness*, and with *aptitude and congruity* to the subject in question."

service will our eloquence be, if we adopt a grand style in trivial causes, a poor and constrained style in such as are of high moment, a florid style on grave subjects, a calm style when forcible argument is necessary, a menacing style in deprecation, a submissive style in spirited discussions, a fierce and violent mode of speaking on topics intended to please? The same kind of result would be produced as when men are disfigured with necklaces, pearls, and long robes, which are the ornaments of women, while a triumphal habit, than which nothing can be imagined to add greater majesty to men, is to women but an unbecoming encumbrance.

4. On this subject Cicero briefly touches in his third book *de Oratore;** and yet he may be thought not to have omitted anything, when he says that *one kind of style cannot suit every cause, or every auditor, or every character, or every occasion.* In his *Orator*† he expresses the same remark in a not much greater number of words. But in the *de Oratore*, Lucius Crassus, as he is addressing himself to eminent orators, and men of great learning, thinks it sufficient to intimate his opinion to those who acknowledged the justice of it. 5. In the *Orator*, too, Cicero himself, addressing Brutus, remarks that what he says is well known to him, and that consequently the subject is noticed by him but cursorily, though it is one of great amplitude, and has been treated at great length by the philosophers. I, however, undertaking to form an orator, communicate these precepts not only to those who know, but to those who are learning, and therefore indulgence must be allowed me if I enter into the subject more fully.

6. It must be understood, then, above all things, what kinds of style are proper for *conciliating*, *instructing*, and *exciting* the judge; and what objects we contemplate in the several parts of our speech. We shall then neither use obsolete, nor metaphorical, nor newly-coined words, in our *exordium*, *statement of facts*, or *series of arguments;* nor shall we indulge in flowing periods of studied elegance when our cause is to be divided, and distinguished into parts; nor shall we choose a low and ordinary sort of style, and of a loose texture, for our peroration; nor, when we ought to excite pity, shall we dry

* C. 55. But Quintilian's words are not to be understood as if there was nothing more in Cicero on this subject than what he quotes *Gesner.*

† C. 21.

up the tears of our audience with jests; for the effect of all ornament depends not so much on its own nature as on that of the object to which it is applied; nor is it of more importance what you say than where you say it. 7. But the whole art of *speaking with propriety* depends not merely on our *choice of language*, but has much also in common with *invention of matter;* for if mere words have so much power, how much greater power must thoughts have? What was necessary to be remarked, however, with regard to thoughts, I have noticed, from time to time, in the proper places.

8. It cannot be too earnestly inculcated, that he only will speak with aptitude and propriety, who considers, not only *what is to the purpose*, but *what is becoming*. Nor am I ignorant that these two qualities of speaking are mostly united; for what is becoming, is generally to the purpose;* nor are the minds of judges conciliated by anything more than by the observance of decorum, or alienated by anything more than by violations of it. 9. The two, however, are sometimes at variance; and, when they are so, that which is becoming will be allowed the preference over that which is merely serviceable; for who does not know that nothing would have been of greater service in procuring an acquittal for Socrates, than the adoption of the ordinary mode of defence on trials, the conciliation of the favour of the judges by a submissive address to them, and the careful refutation of the charges brought against him?† 10. But such a course would have been unbecoming to Socrates; and he therefore pleaded like a man who thought himself deserving, not of punishment, but of the highest honours; for, wisest of men as he was, he preferred that what remained of his life should be lost rather than that portion of it which was past; and since he was not sufficiently understood by the men of his day, he committed himself to the judgment of posterity, and purchased, by the sacrifice of a short portion of extreme old age, a life that will last for ever. 11. Though Lysias,‡ therefore, who was

* See the Introd. to b. viii. sect. 13.

† This subject is well known; and Gesner aptly refers to the beginning of Xenophon's Apology of Socrates, where, in Zeune's edition, the passages of the ancient writers bearing on this subject are noticed. See also Diogenes Laertius, ii. 40, and his commentators. *Spalding.*

‡ See ii. 16, 20.

esteemed the most accomplished orator of the time, offered him a defence ready written, he declined making use of it, saying, that though he thought it good, he did not consider that it would become him. From this example, without having recourse to any other, it is evident that the end to be kept in view by the orator is not persuasion, but speaking well,* since to persuade would sometimes be dishonourable; the conduct of Socrates was not conducive to his acquittal, but, what was of greater importance, was honourable to his character as a man.

12. I myself, in making this distinction, and separating utility from decorum, speak rather in conformity with the common way of speaking, than according to the strictness of truth; unless, indeed, the first Scipio Africanus,† who chose rather to banish himself from his country than to maintain his integrity against the charges of a mean tribune of the people, can be supposed to have acted disadvantageously for his honour; or unless Publius Rutilius, either when he adopted his almost Socratic kind of defence, or when he preferred to remain in exile at the time that Publius Sylla recalled him, can be imagined to have been ignorant what was most proper for him.‡ 13. These great men thought that the trivial considerations, which abject minds regard as of so much importance, are to be despised in comparison with true honour, and are, in consequence, distinguished by the perpetual admiration of all ages. Nor let us indulge in so abject a way of thinking as to consider, that what we allow to be honourable may be unprofitable. 14. But any occasion for this distinction, such as it is, very seldom occurs, since, in every kind of cause,

* See b. ii. c. 15.

† When he was accused by Nævius, a tribune of the people, of having received a bribe from king Antiochus to grant him favourable conditions of peace, the only reply that he vouchsafed to the charge was, "This is the anniversary of the day on which I defeated Hannibal at Zama, and it is right that all good citizens should go with me to give thanks to the gods for the support with which they then favoured us." See Livy, xxxviii. 51, 56; Aul. Gell. iv. 18.

‡ See note on v. 2, 4. "Being a man, as you know, of exemplary integrity, a man to whom no person in the city was superior in honesty and sincerity, he not only refused to supplicate his judges, but would not allow his cause to be pleaded with more ornament or freedom of language than the simple plainness of truth carried with it." Cicero de Orat. i. 53.

as I observed,* whatever is advantageous will generally be becoming.

There are some things of such a nature that they become all persons at all times, and in all places, as *to act and speak honourably;* and there are others, on the contrary, which become no person at any time or in any place, as *to act and speak dishonourably.* But things of less importance, and such as hold a middle place between the two, are generally of such a kind, that they are lightly regarded by some and more seriously by others, and must appear either more or less excusable, or more or less reprehensible, according as we look to *characters*, *times*, *places*, or *motives.* 15. And as, in pleading, we speak either of what concerns others or what concerns ourselves, we must make a just distinction between the two, provided we bear in mind that there are many things improper to be brought forward in either case.

Above all things, every kind of self-laudation is unbecoming, and especially praise of his own eloquence from an orator;† as it not only gives offence to his audience, but generally creates in them even a dislike towards him. 16. Our mind has in it something naturally sublime and haughty, and is impatient of a superior; and hence we willingly raise the humble, or those who submit to us, because, when we do so, we appear to ourselves greater than they; and when rivalry is absent, benevolence finds a place in us; but he who unreasonably exalts himself seems to depress and despise us, yet not to make himself greater so much as to try to make others less. 17. Hence his inferiors envy him, (for envy is the vice of those who are unwilling to yield though unable to oppose,) his superiors deride, and the judicious censure him. In general, too, we find, that the opinion of the arrogant concerning themselves is unfounded; while, to persons of real merit, the consciousness of merit is sufficient.

Cicero, in this respect, has been censured in no small degree; although, in his speeches, he was much more of a

* Sect. 8.

† "Though arrogance of every kind is odious, yet for a speaker to boast of his own ability and eloquence is by far the most offensive of all kinds." Cicero Div. in Cæcil. c. 11. "Those who have attained the highest distinction in eloquence, still betray no consciousness of their own powers," &c. Cic. Orat. c. 42. *Gesner.*

boaster of what he had done than of his abilities in speaking. 18. Indeed, he uttered such boasts, for the most part, not without much appearance of reason, for he had either to defend those whose aid he had received in suppressing the conspiracy of Catiline, or he had to justify himself against popular odium, which he was so far from being able to withstand, that he had to go into exile, as a punishment for having saved his country; so that his frequent allusions to what he had achieved in his consulship, may be thought to have been made, not more from vanity than for self-defence. 19. As to eloquence, at the same time that he allowed a full measure of it to the pleaders on the opposite side, he never claimed in his speeches any immoderate share of it to himself; he says, *If there be any ability in me, judges, and I am sensible how little there is*, &c.; and, *The more I feel my inability, the more diligently have I endeavoured to make amends for it by application*, &c.* 20. Even in contending against Quintus Cæcilius, about the appointment of an accuser of Verres, though it was of great importance which of the two should appear the better qualified for pleading, yet he rather detracted from Cæcilius's talent in speaking than assumed any superiority in it to himself, and said that *he had not attained eloquence, but had done everything in his power that he might attain it.* 21. It is only at times in his letters, when he is writing familiarly to his friends, and occasionally in his Dialogues, under another person's character, that he does justice to his own eloquence.

Yet I know not whether open self-applause is not more tolerable, even from the very undisguisedness of the offence, than the hypocritical boastfulness† of those who speak of themselves as poor when they abound with wealth, as obscure when they are of high rank, as weak when they have great influence, as ignorant and incapable of speaking when they

* These are the commencements of the orations for Quintius and for Archias, but varying a little from what we now read in our editions. *Spalding.*

† *Illa in jactatione perversa.*] Spalding says that *illa perversa* must be taken as a neuter plural. Rollin would read *illa jactatio perversa*, by which the passage would certainly be improved. Gesner omits the *in*, and considers the other three words to be in the ablative case governed by *gloriari*; but I know not who has acquiesced in this explanation.

are possessed of great eloquence. 22. It is an ostentatious kind of vanity to speak thus ironically of ourselves. Let us be content, therefore, to be praised by others, *for it becomes us*, as Demosthenes says, *to blush even when we hear other men's commendations of ourselves.** I do not say that an orator may not sometimes speak of what he has done, as Demosthenes himself did in his defence of Ctesiphon;† but he so qualified what he said, as to show that he was under the necessity of saying it, and to throw the odium of it on him who forced him to say it. 23. So Cicero, though he often speaks of the suppression of Catiline's conspiracy, attributes it sometimes to the meritorious efforts of the senate, sometimes to the providence of the immortal gods. In speaking against his enemies and calumniators, indeed, he generally vindicates his claim to greater merit; for, when charges were brought against his conduct, it was for him to justify it. 24. In his verses, I wish he had been more modest,‡ since the malicious have never ceased to remark upon his

Cedant arma togæ, concedat laurea linguæ,§
To gowns let arms succumb, and laurel crowns
To eloquence,

and

O fortunatam natam me consule Romam,
O happy Rome, that found new life when I
Was consul!

and his *Jupiter, by whom he is called to the assembly of the gods;* and his *Minerva, who taught him her arts;*‖ extravagances in which, after the example of some of the Greeks, he allowed himself to indulge.

25. But though to boast of eloquence is unbecoming in an orator, yet to express confidence in himself is sometimes

* Pro Coron. p. 270, ed. Reisk. † Ib. p. 226, 227.

‡ *In carminibus utinam pepercisset.*] It would be better, apparently, to leave out the preposition, and make *carminibus* a dative, for it is not easy to understand in what Quintilian meant that Cicero should *have been sparing*, unless *suis laudibus*, in his own praises; but no writer leaves such words to be understood by his reader. *Spalding.*

§ See ix. 4, 41. Cicero in Pis. c. 30; Philipp. ii. 8; Juvenal x. 122. It is evident that these are verses from a poem on his own consulship or his own times. *Spalding.*

‖ Where Cicero made these remarks, is unknown. "Nor can I tell," says Spalding, 'what Greeks they were that he imitated."

allowable; for who would blame such remarks as these:* *What am I to think? That I am despised? But I do not see what there is, either in my life, or in the favour which I experience, or in what I have done, or in my moderate share of ability, for Antony to despise.* 26. Or as he expresses himself, a little afterwards, with somewhat more boldness: *Would he wish to engage with me in a contest of eloquence? He would then confer an obligation on me; for what ampler field, what more copious subject could I desire, than the opportunity of speaking on behalf of myself and against Antony?*

27. Those speakers who are arrogant, who assert that they have convinced themselves of the goodness of their cause, or otherwise they would not have undertaken it; for judges listen with unwillingness to a pleader who anticipates their decision; and that which was granted to Pythagoras by his disciples, that his *Ipse dixit* should settle a question, is not likely to be allowed to an advocate by his opponents. 28. But confidence in speakers will be more or less blamable according to their characters; for it is sometimes justified by their age, dignity or authority; and yet these will hardly be so great in any orator as not to require that his dependence on them should be tempered with some degree of modesty, as must be the case in all particulars in which a pleader draws arguments from his own person. It would have been somewhat too arrogant, perhaps, if Cicero had denied, when he was defending himself, that *to be the son of a Roman knight* ought to be made a ground of accusation against him; but he turned the charge even in his favour, by identifying his own dignity with that of his judges, and saying, *But that I am the son of a Roman knight should assuredly never have been alleged as a reproach against me by the accusers in any cause, while you are trying it and while I am defending it before you.*†

29. An impudent, noisy, and angry tone, is unbecoming in all speakers; but the more remarkable a speaker is for age, or dignity, or experience, the more blamable he is if he adopts it. Yet we see some wranglers held under no restraint, either by respect for the judges, or by regard to the forms and practices of pleading; and from this very character of their mind, it is evident that they have no consideration for their honour either in undertaking causes or in pleading them

* Cic Philipp. ii. 1. † Cic. pro Cæl. c. 2.

30. For men's speech is generally an indication of their disposition, and lays open the secrets of their minds; and it is not without reason that the Greeks have made it a proverb that *As a man lives, so also he speaks.** There are faults also of a still meaner nature; grovelling adulation, studied buffoonery, disregard of modesty in respect to things or words of an offensive or indecent kind, and violations of dignity on all occasions; faults which are oftenest seen in those who are too anxious either to please or to amuse.

31. All kinds of oratory, too, are not alike suitable to all speakers.

Thus a copious, lofty, bold, and florid style would not be so becoming to old men as one that is close, mild, and precise; such a one as Cicero† wished us to understand when he said that his style was *growing grey;* just as that age, also, is not adapted for wearing garments gleaming with purple and scarlet. 32. In young men, on the other hand, an exuberant and somewhat daring style is well received; while a dry, circumspect, and concise manner of speaking is offensive in them from its very affectation of gravity; as in regard to manners, the austerity of old men is considered as quite premature in the young.

33. A plain style suits military men. To those who make an ostentatious profession of philosophy, as some do, most of the embellishments of speech are by no means becoming, and especially those which have reference to the passions, which they regard as vices. Extraordinary elegance of diction, too, and studied harmony of periods, are altogether foreign to their pursuits. 34. Not only florid expressions, such as these of Cicero, *Rocks and deserts respond to the voice of the poet,*‡ but even those of a more vigorous and forcible character, as, *I now implore and attest you, you, I say, O Alban hills and groves, and you, O dismantled altars of the Albans, united and coeval with the religion of the people of Rome,*§ are utterly unsuited to the beard and solemnity of the philosopher. 35. But the man who is desirous of civil distinction, the man of sound sense, who devotes himself, not to idle disputations, but to the management of public affairs, from which those who

* A saying attributed to Solon. See Erasm. Adag. i. 6, 50. Menag. ad Laert. i. 58; Davis ad Cic. Tusc. Q. v. 16. *Spalding.*

† Brut. c. 2. ‡ Cic. pro Arch. c. 8. § Pro Mil. c. 31.

call themselves philosophers have as far as possible withdrawn themselves, will freely use whatever ornaments of style may tend to effect the object which he has in view when he speaks, having previously resolved in his mind not to recommend anything but what is honourable.

36. There is a style of oratory that becomes princes, which others would hardly be allowed to assume. The mode of speaking suited to military commanders, also, and eminent conquerors, is in a great degree distinct from that of other men. In this kind of style Pompey was an extremely eloquent narrator of his exploits; and Cato, who killed himself in the civil war, was an able speaker in the senate. 37. The same language will often be characterized as freedom in one person, folly in another, and pride in a third. The reproaches addressed by Thersites to Agamemnon* are regarded with derision; put them into the mouth of Diomede, or any one of his equals, they will exhibit only greatness of spirit. *Should I regard you as a consul*, said Lucius Crassus to Philippus,† *when you do not regard me as a senator?* This is the language of a noble magnanimity, yet we should not think it proper for every one to utter it. 38. Some one of the poets‡ says that he does not care much *whether Cæsar were a black man or a white;* this is folly; but if Cæsar had used the same expression with regard to the poet, it would have been pride.

There is great regard paid to character among the tragic and comic poets; for they introduce a variety of persons accurately distinguished. Similar discrimination used to be observed by those who wrote speeches for others;§ and it is observed by declaimers, for we do not always declaim as pleaders of a cause, but very frequently as parties concerned in it.

39. But even in the causes in which we plead as advocates, the same difference should be carefully observed; for we often take upon ourselves the character of others, and speak, as it were, with other persons' mouths; and we must exhibit in

* Il. ii. 225, *seqq.* † See viii. 3, 89; Cic. de Orat. iii. 1.

‡ *Aliquis poetarum.*] We may observe with how much contempt he speaks; for we cannot suppose him to have forgotten that the words are those of Catullus, Carm. 92. *Spalding.*

§ See iii. 8, 51; ii. 15, 30; iii. 1, 10.

those to whom we adapt our voice, their exact peculiarities of manner. Publius Clodius is represented as speaking in one way, Appius Cæcus in another; the father, in the comedy of Cæcilius, is made to express himself in one style, the father, in the comedy of Terence, in another.* 40. What could be more brutal than the words of the lictor of Verres, *To see him, you must pay so much?*† What could be more magnanimous than the behaviour of the Roman, from whom the only exclamation heard, amidst all the tortures of scourging, was, *I am a Roman citizen?* How suitable is the language used in the peroration of the speech for Milo, to a man who, in defence of the commonwealth, had so often curbed a seditious citizen, and who had, at last, triumphed over his plots by valour?‡ 41. Not only, indeed, are there as many various points to be observed in prosopopeiæ§ as in the cause itself, but even more, as in them we assume the characters of children, women, nations,‖ and even of voiceless objects; and in regard to all of them, propriety must be observed. 42. The same care is to be taken with respect to those for whom we plead; for, in speaking for different characters we must often adopt different styles, according as our client is *of high* or *low station*, *popular* or *unpopular;* noting, at the same time, the difference in their principles of action and in their past lives. As to the orator himself, the qualities that will recommend him most are *courtesy*, *mildness*, *good temper*, and *benevolence*. But qualities of an opposite kind will, sometimes, be very becoming in a speaker of high moral character, as he may testify hatred of the wicked, concern on behalf of the public, and zeal for the punishment of offences and crimes; and, indeed, as I said at first,¶ every kind of honourable sentiment will become him.

43. Nor is it of importance only *what our own character is*, and *for whom we plead*, but *to whom we address ourselves;* for rank and power make a great difference; and the same manner of speaking is not equally proper before a prince, a magistrate, a senator, and a private person, or a mere free citizen; nor are

* See Cic. pro Cæl. c. 16. † See Quint. ix. 4, 7., 102; iv. 2, 106.

‡ Comp. iv. 1, 25; 5, 10.

§ Comp. iii. 8, 49; ix. 2, 31. But the prosopopeiæ of which Quintilian is here speaking, are such as constitute parts of a cause. *Spalding*

‖ *Populorum.*] Some copies have *pupillorum.*

¶ He means when he began to speak on this subject, sect. 14. *Gesner.*

public trials, and discussions on private affairs before arbiters conducted in the same tone. 44. For in proportion as anxiety and care, and every engine set to work, as it were, for strengthening argument, is becoming in the orator who pleads in a capital cause; so, in cases and trials of smaller moment,* such solicitude would be but foolish, and he who, sitting† to speak before an umpire on some unimportant question, should make a declaration like that of Cicero,‡ that *he was not only disturbed in mind, but that he felt a trembling through his whole frame*, would be justly ridiculed. 45. Who, indeed, does not know, that the gravity of the senate demands one sort of eloquence, and the levity of a popular assembly another, when, even before single judges, the same mode of address that suits serious characters, is not adapted to those of a lighter cast; the same manner that is proper in speaking to a man of learning, is improper in speaking to a military or uneducated man; and our language must sometimes be lowered and qualified, lest the judge should be unable to comprehend or see the tenor of it?

46. *Time* and *place*, also, require a due degree of observation; the occasion on which an orator speaks may be one of seriousness, or one of rejoicing; the time allowed him may be unlimited or limited; and to all such circumstances his speech must be adapted. 47. It makes a great difference, too, whether we speak in a public or private place, in one that is populous or unfrequented, in a foreign city or in our own, in a camp or in the forum; each of these places requires its own peculiar form and style of eloquence; as, even in other affairs of life, the same mode of proceeding is not equally suitable in the forum, the senate, the Campus Martius, the theatre, and in our own houses; and many things, which are not reprehensible in their own nature, and are sometimes absolutely necessary, are counted unseemly if done in any other place than where custom authorizes.

48. How much more elegance and refinement demonstrative

* Spalding's text has *in parvis rebus judicibusque*, but it would appear that we ought to read *judiciisque* with Gesner and others. The sense, however, is much the same in either case.

† Some advocates pleaded sitting before the judges, as appears from c. 3, sect 134, 135, when the causes were of inferior importance. See also Plin. Ep. ii. 19 3.

‡ Div. in Cæcil. c. 13.

topics, as being intended to give pleasure to an audience, admit, than those of a deliberative and judicial character, which are conducted in a tone of business and argument, I have already observed.*

To this it is also to be added, that many eminent excellences of oratory are rendered unsuitable to certain causes by the nature of them. 49. Would any one endure to hear an accused person, in danger of losing his life, especially if pleading for himself before his conqueror or his sovereign, indulge in frequent metaphors, in words either of his own coining or studiously fetched from remote antiquity, in a style as far removed as possible from common usage, in flowing periods and florid common places, and fine thoughts? Would not all such elegances destroy that appearance of solicitude natural to a man in peril, and deprive him of the aid of pity, which is necessary to be sought, even by the innocent? 50. Would any one be moved at the fate of him, whom, in so perilous a situation, he should see swelling with vanity and self-conceit, and making an ambitious display of oratory? Would he not rather feel alienated from a man, who, under an accusation, should hunt for words, feel anxiety about his reputation for talent, and consider himself at leisure to be eloquent? 51. This Marcus Cælius seems to me to have admirably shown,† when he defended himself on his trial for an assault, saying, *Lest to any one of you, judges, or to any of all those here to plead against me, any look of mine should seem offensive, or any expression too presumptuous, or, what is the least‡ however of the three, any gesture at all arrogant,* &c. 52. Some pleadings consist wholly in pacifying,§ deprecating,‖ and making confession, and ought we to weep in fine thoughts? Will epiphonemata,¶ or enthymemes, prevail upon judges? Will not whatever is superadded to genuine feeling, diminish its whole force, and dispel compassion by an appearance of unconcern? 53. If a father has to demand justice for the death of his son, or for some wrong done to him worse than death,

* VIII. 3, 11, *seqq.* † *Comprehendisse.*] *Significâsse.* Spalding.
‡ All the texts have *nimium*, but Spalding agrees with Rollin that it is absolutely necessary to read *minimum*.
§ *Satisfactione.*] vi. 1, 50. ‖ *Deprecatione.*] v. 13 5
¶ See viii. 5, 11.

will he, instead of being content* with giving a brief and direct statement of the matter, study that grace of delivery in his narrative, which depends on the use of pure and perspicuous language? Will he count his arguments upon his fingers, aim at exact nicety in his propositions and divisions, and deliver himself, as is commonly the case in those parts of speeches, without the least manifestation of feeling? 54. Whither, in the meantime, will his grief have fled? How have his tears been dried? Whence has so calm a regard to the precepts of art proceeded? Will not his speech be rather a prolonged groan, from the exordium to the last word, and will not the same look of sadness be invariably maintained by him, if he wishes to transfuse a portion of his own sorrowful feeling into the breasts of his audience, a feeling, which, if he once abates it, he will never revive in them? 55. By those learning to declaim, (for I feel no reluctance to look back to what was formerly my own employment, and to think of the benefit of the youth once under my care,) these proprieties ought to be observed with the utmost strictness, inasmuch as there are exhibited, in the schools, the feelings of a great variety of characters, which we take upon ourselves, not as pleaders for others, but as if we had actually experienced what we say; 56. for example, cases of the following kind are frequently supposed, in which persons request of the senate leave to put themselves to death,† either on account of some great misfortune, or from remorse for some crime; and in such cases it is not only unbecoming to adopt a chanting tone,‡ a fault which has become universal, or to indulge in fine language, but it is improper even to pursue a train of argument, unless feeling, indeed, be mixed with it, and mixed to such a degree, that it may predominate over proof; for he who in pleading can intermit his grief, may be thought capable of laying it aside altogether.

57. I know not, however, whether the observance of the decorum of which we are speaking, should not be maintained with even more scrupulosity towards those against whom we plead than towards others; for we should undoubtedly make

* Spalding saw the necessity of reading *protulisse* non *contentus*, but has not inserted the *non* in his text.

† See vii. 4, 39.

‡ See c. 3, sect. 57, 170, 182; also Cicero Orat. c. 18; Plin. Ep. ii. 14, 13; Quint. i. 8, 2.

it our care, in every case of accusation, to appear to have engaged in it with reluctance. Hence I am extremely offended with the remark of Cassius Severus,* *Good gods, I am alive, and I see, what may well give me pleasure to be alive, Asprenas in the condition of a criminal;* Severus may be thought to have accused him, not from any just or necessary cause, but for the pleasure of being his accuser. 58. In addition to this observance of what is becoming, too, which is common to all cases, certain subjects require a peculiar tenderness of management. Thus the son, who shall apply for the appointment of a guardian over his father's property,† ought to testify concern at his father's unsoundness of mind; and a father who brings charges, however grievous, against his son, ought to show that the necessity of doing so is the greatest affliction to him; and this feeling he should exhibit, not in a few words only, but through the whole texture of his speech, so that he may appear to speak, not only with his lips, but from the bottom of his heart. 59. A guardian, also, if his ward make allegations against him, should never manifest towards him resentment of such a nature that traces of affection and sacred regard for the memory of his father may not be apparent through it. How a cause ought to be pleaded by a son against a father who renounces him, and by a husband against a wife who accuses him of ill-treating her, I have remarked, I believe, in the seventh book;‡ when we may properly plead our own cause, and when we should employ the services of an advocate, the fourth book,§ in which directions are given respecting the exordium, shows.

60. That there may be something becoming, or something offensive, in mere words, no one can doubt. A remark, therefore, seems necessary to be added with reference to a point certainly of extreme difficulty; the consideration, namely, how those things which are by no means inviting in their nature, and of which, if choice were allowed us, we had rather not speak, may nevertheless be expressed by us without indecorum. 61. What can wear a more disagreeable aspect, or what are the ears of men more unwilling to hear, than a case in which a son, or the advocates of a son, have to plead against a mother? Yet such pleading is sometimes necessary,

* Comp. x. 1, 22.
† See vii. 4, 11.
‡ C. 4, sect. 24.
§ C. 1, sect. 46.

as in the cause of Cluentius Habitus; though it need not always be conducted in the same way as Cicero has chosen in speaking against Sassia; not that he did not proceed with the greatest judgment, but because it is of importance to consider, in reference to the particular case, *in what respect*, and *by what means*, the mother has sought to commit injury.* 62. Sassia, as she had attempted the life of her son openly, deserved to be assailed with great severity. Yet two points, which required particular attention, Cicero has managed admirably; the first, not to forget the reverence due to parents; the second, to demonstrate most carefully, by going far back into causes, that what he was to say against the mother was not only proper to be said, but absolutely necessary. 63. To show the propriety of his mode of proceeding was accordingly his first object, though it had no immediate bearing on the question in hand; so much was he convinced that, in so delicate and difficult a cause, the first consideration should be what was due to decorum. Thus he made the name of parent cast odium, not upon the son, but upon her against whom he spoke.

64. A mother may, however, be sometimes opposed to her son in a case of less seriousness or bitterness; and a more gentle and submissive tone of pleading, on behalf of the son, will then be proper; for, by showing a readiness to make all due satisfaction, we shall lessen any ill feeling that may arise against ourselves, and may even divert it to the opposite party; and if it be manifest that the son is deeply concerned at being obliged to appear against his mother, it will be believed that the fault is not on his side, and he will at once become an object of compassion. 65. It will be well, too. to throw the blame of the proceeding on other parties, that it may be thought to have had its origin in their malice, and to protest that we will endure to the utmost and make no harsh reply; so that if we have, in fact, no opportunity of showing bitterness, we may appear to have intentionally abstained from it. If any point, again, has to be urged against the mother, it is the duty of the son's advocate to make it appear that he urges it, not with his client's consent, but because the interest of his cause compels him. Thus both the son and his advocate may gain praise.

* *Lædat.*] Scilicet mater illa, in quam dicimus. *Spalding.*

What I have said with respect to a mother, may be regarded as equally applicable to either parent; for I am aware that between fathers and sons, after emancipation* has taken place, lawsuits sometimes occur. 66. In opposing other relatives, also, we must make it our care that we may be thought to have spoken against them unwillingly, from necessity, and with forbearance; and this solicitude should be greater or less according to the respect due to each particular person. The same moderation should be observed in speaking for freedmen against their patrons; and, to say much in a few words, it will never be seemly to plead against such persons in a style which we should be extremely displeased to find men of that condition adopt against ourselves.

67. The same consideration must at times be shown in opposing personages of great dignity; and some justification must be offered for the liberty which we assume, lest any one should think that we indulge a wanton inclination, or gratify our vanity, in wounding them. Thus Cicero, though he had to speak with the utmost severity against Cotta,† since the case of Publius Oppius could not otherwise have been pleaded, yet apologized for the necessity of doing his duty in a long preface. 68. Sometimes, too, it may be proper to spare or deal gently with persons of an inferior condition, especially if they are young. Such moderation Cicero observes in speaking for Cælius against Atratinus,‡ appearing, not to attack him like an adversary, but almost to admonish him like a father; for he was both of noble birth and a youth, and had come forward to accuse Cælius not without just ground for complaint.

But in moderating our conduct towards those, in regard to whom proofs of our forbearance are to be made apparent to the judge or the rest of the audience, there may be comparatively little difficulty; in cases where we fear to offend those in opposition to whom we plead, we may feel greater embar-

* *Emancipatio* was an imaginary sale, by which a son was set free from the power and jurisdiction of his father; for as long as a son was under his father's control, he could not, according to the jurisconsults, go to law with him. *Turnebus.*

† See v. 13, 20.

‡ In several passages of the exordium of the speech for Cælius. *Gesner.*

rassment. 69. Two antagonists of that kind were opposed to Cicero, when he was pleading for Muræna, in the persons of Marcus Cato and Servius Sulpicius. Yet how delicately does he deny Sulpicius, after allowing him all other merits, the art of successfully standing for the consulship! What else was there, indeed, in which a man of noble birth, and of high reputation for legal knowledge, would with less regret acknowledge himself defeated? How ably has he stated his reasons for undertaking the defence of Muræna, when he says that he supported the claims of Sulpicius against the election of Muræna to office, but that he should not have thought himself justified in not defending Muræna against a capital accusation! 70. With how gentle a touch, too, has he handled Cato!* After testifying the highest admiration for his character, he proceeds to represent it as having become hardened in some points, not through his own fault, but through that of the sect of the Stoics; so that we might suppose that there had occurred between them, not a judicial contest, but a philosophical discussion. 71. It is certainly, then, the best of rules, and the surest of all precepts, to follow the example of the illustrious orator, and, when you wish to deny a person any particular excellence without offending him, to grant him every other good quality, observing that in this respect alone is he less judicious than in others, adding, if possible, the reason why such is the case, as, that he has been a little too obstinate, or credulous, or angry, or that he is incited by other persons. 72. This may serve for a common mode of qualifying our language in all such cases, if there appear, through the whole course of our argument a regard not only to what is honourable, but to what is kind. There should also seem to be the best of reasons for what we say; and we should express ourselves, not only with moderation, but as if under the compulsion of necessity.

73. It is a different case from this, but not so difficult, when we are obliged to commend certain acts of persons otherwise of ill repute, or objects of dislike to us; for we must praise that which deserves praise, in whatever character it be found. Cicero pleaded for Gabinius and Publius Vati-

* A divine passage, c. 29, *seq.* Gesner.

nius,* men who had previously been his greatest enemies, and against whom he had even written orations; but the course which he adopted is justified by his declaration that he was anxious, not about his reputation for ability, but about his honour. 74. His proceeding on the trial of Cluentius† was attended with greater difficulty, as he was obliged to assert Scamander to be guilty, whose cause he had before pleaded. But he extricates himself from his embarrassment most gracefully, alleging in his defence the importunity of those by whom Scamander had been introduced to him, and his own extreme youth; whereas he would have greatly injured his reputation, if he had made himself appear to be one who would rashly undertake the defence of the guilty, especially in so suspicious a cause.

75. In speaking before a judge‡ who is adverse to the cause which we have undertaken, either from regard to another person's interest or his own, though to convince him may be very difficult, yet the proper mode of addressing him is very clear; for we must represent that through confidence in his justice we have no fear for our cause. We must also stimulate him to respect his honour, observing that his integrity and conscientiousness will be the more celebrated, the less he consults his resentment or private interest in forming his decision. 76. We may proceed in the same manner, also, before judges from whom we have appealed, if we should be sent back to them again; alleging some plea of necessity, if it be consistent with our cause, or of error, or suspicion.§ The safest mode, however, is to express repentance, and to offer atonement for our fault; and we must render the judge, by every artifice in our power, afraid of incurring disgrace by sacrificing our cause to his resentment.

* Concerning Gabinius see Cic. pro Rabir. Post. c. 8; Val. Max. iv. 2; Dio. Cass. lib. xxxix. Concerning Vatinius see Cicero's speech for him, and Ernesti Clav. Cic. See also Quint. ix. 2, 25.

† Pro Cluent. c. 17.

‡ In the original there is here something wrong or defective. Gesner supposes that no further correction is wanting than an alteration in the order of the words, and accordingly reads, *Apud judicem verò alienum aut propter quod* (*i.e.* aliquod) *alienum commodum in causâ, quam susceperimus, aut suum*, &c. This helps the sense, but we can hardly suppose that Quintilian used the word *alienum* twice in so short a space.

§ In reference to the appeal formerly made, and for which an apology is now offered. *Spalding.*

77. The cause upon which a judge has already given a decision, may sometimes happen, from particular circumstances, to come before him again, and he may have to try it a second time. In such a case it is common to observe that we should not have entered on a discussion of his sentence before any other judge, as it ought to be reversed only by himself, but that certain particulars in the affair were unknown to us, (if the nature of the cause allows us to say so,) or that witnesses were wanting, or (what must be advanced with great caution, and only if nothing else can be urged) that the pleaders did not fully discharge their duty. 78. Even if we have to plead a cause a second time, too, before other judges, as in a second suit for the liberty of an individual,* or of cases that come before a second section of the centumviri,† after our side has been defeated, it will be most proper, whenever it is practicable, to express respect for the opinion of the former judges; a point on which I have spoken more fully in the part where I have treated of proofs.‡

79. It may happen, also, that we may have to censure in others what we have done ourselves; thus Tubero makes it a charge against Ligarius *that he was in Africa;* thus some who have been found guilty of bribery, have brought others to trial for the same crime, for the sake of recovering their position as citizens;§ and thus, in the declamations of the schools, a young man who is himself extravagant accuses his father of extravagance. How such proceedings can be plausibly conducted, I, for my own part, do not see, unless there be discovered something that makes a difference in the two cases, as *character*, *age*, *circumstances*, *motives*, *place*, or *intention*. 80. Tubero pleads that he accompanied his father into Africa when young, who was sent thither by the senate, not to take part in the war, but to buy corn, and withdrew from his party

* *In secundâ assertione.*] *Assertio secunda* is a second trial *de liberali causâ*, *i. e.* concerning the liberty of some person. *Turnebus.*

† The *centumviri* were divided into two (or more) *hastæ* or tribunals, and there might be appeal from one to the other. *Turnebus.* See xii. 5, 6.

‡ V. 2, 1.

§ "Whoever was condemned by this law (the Julian law regarding bribery) might, if he procured the conviction of another person under it, be restored to his former rank." Digest. xlv. 14, 1, 2 See Cicero pro Cluent. c. 36, with the note of Manutius. *Spalding.*

as soon as he found opportunity; but that Ligarius, on the contrary, persevered in his course, and kept on the side, not of Pompey, between whom and Cæsar there was a contest for the chief power, though both of them wished well to their country, but of Juba and the Africans, who were the greatest enemies to the Roman people. 81. It is indeed very easy to impute guilt to others, when we own ourselves guilty; but this is the part of an informer, not of a pleader;* and if no ground of excuse is available, contrition is the only thing that can recommend us to favour; for he may be thought to have sufficiently corrected himself who has been led into detestation of the errors which he has committed. Some characters, however, may offer such censure not inexcusably, from the very nature of the matter to which it refers; as when a father disinherits a son, the offspring of a harlot, because he has married a harlot. 82. This is a suppositious case in the schools, but it is a case that may really happen; and the father may offer many arguments not unbecomingly in justification of his conduct; as, that it is the wish of all parents to have children of higher character than themselves, (since, if he had a daughter instead of a son, her mother, though a harlot, would have desired her to be chastely brought up,) or that he himself was of a humbler condition, (supposing that he can fairly say this,) or that he had no father to admonish him; 83. and that his son should have been the less willing to form such a union, that he might not revive the disgrace of his family, and reproach his father with his marriage, and his mother with the distresses of the early part of her life, and that he might not give a precedent of such a marriage for his own children to follow. Some glaring turpitude, also, may be supposed in the character of the son's mistress, on which his father cannot now† look with indulgence. Other arguments I omit; for I am not now composing a declamation, only showing that a pleader may sometimes make an advantageous use even of circumstances that appear to be strongly against him. 84. It is a case of greater embarrassment to an advocate, when he has to complain of things that he is ashamed to mention, as corporeal

* He that accuses others of crimes of which he himself is guilty, lays aside the dignity of the orator, and reduces himself to the level of those who live by being informers. *Spalding.*

† Since he has risen to a higher station in life. *Spalding.*

dishonour, especially in reference to males, or other outrages.* I say nothing of the possibility of the sufferer speaking for himself, for what else would become him but to groan and weep, and express detestation of life, leaving the judge rather to divine his grief than to hear it stated? But the advocate will also have to exhibit similar feelings;† since this kind of injury causes more shame to those who endure it than to those who inflict it.

85. Asperity of language, when a speaker feels inclined to indulge in it, must, in most cases, be tempered with a mixture of another tone, such as Cicero adopted in pleading for the children of the proscribed.‡ What, indeed, could be more cruel, than *that men descended from honourable fathers and forefathers should be excluded from places of honour in the state?* Accordingly that great master of the art of swaying the minds of mankind is obliged to assert that it is a very severe law; but he remarks, at the same time, that the constitution of the state was so essentially upheld by the laws of Sylla, that if they were repealed it could no longer stand; and thus he succeeded in saying something in apology for those against whom he had to plead.

86. In speaking on the subject of raillery,§ I observed how unseemly it is to reproach a person with his condition of life, and that we should not make wanton attacks upon whole classes of men, or entire nations or people. But sometimes the duty of our advocate absolutely obliges him to make some remarks on the general character of some particular description of people, as that of freedmen, soldiers, tax-gatherers, and the like. 87. In all such cases, it is a common way of qualifying our observations, to represent that we advert with reluctance to points that must give pain; and we must not assail all points in their character indiscriminately, but that only which it is our business to attack, and while we censure that particular, we must make some compensation by encomiums

* *Aut os profanatum.*] *Nefandam et abominandam libidinem pluribus explicare vetat pudor.* Capperonier.

† The advocate must show as much concern on such an occasion as his client would be supposed to feel.

‡ The oration is lost, but Freinshemius, with his usual ability, gives an excellent account of the circumstances under which it was spoken. Suppl. Liv. x. 45. See Plin. H. N. vii. 31 *Spalding.*

§ VI. 3, 28. See also Cic. Orat. c. 26. *Gesner.*

on others. 88. Thus we may say that soldiers are certainly rapacious; but we may add that such a quality in their character is by no means wonderful, as they think that greater rewards are due to them than to other men, for the dangers to which they expose themselves and the blood which they lose in defence of their country. We may acknowledge, also, that they are inclined to quarrelling; but may say that this is a natural consequence of their greater familiarity with war than with peace. We may have to detract from the credit of freedmen; but we may at the same time bear testimony to their industry, by which they have released themselves from servitude. 89. As to foreign nations, Cicero affords us various examples of the modes in which we may deal with them. When he has to invalidate the veracity of some *Greek* witnesses, he allows the Greeks eminence in knowledge and learning, and professes himself a great admirer of that nation.* He affects contempt for the *Sardinians*,† he inveighs against the *Allobroges* as enemies,‡ but none of his remarks, when they were made, appeared to all impertinent, or at variance with decorum.

90. If there be anything offensive in a matter of which we have to speak, it may be softened by moderation in the terms which we apply to it. *Cruelty* in a man's character we may call *too great severity;* of a person that has *acted unjustly* we may say that he *has been misled by the persuasion of others;* and of an *obstinate* man that he *is somewhat tenacious of his opinion.* In many cases we may endeavour to overcome our adversaries by reasoning, which is the most gentle of all modes of contention.

91. To these observations I may add, that whatever is in excess is indecorous; and hence even that which in itself is well adapted to our purpose, loses all its grace if it be not under the control of moderation. An estimation of what is right on this point is rather to be formed by the exercise of our own judgment, than to be commuicated by precepts. We must endeavour to conceive how much may be sufficient, and to how much our audience are likely to listen with gratification; for such particulars do not admit of weight and measure, because, as is the case with different kinds of food, some satiate more than others.

* Pro Flacc. c. 26, *seq.* † Fragment of his oration for Scaurus.
‡ Pro Fonteio, c. 8, *seq.*

92. I think it proper to add, briefly, that very different excellences in speaking have not only their admirers, but are often extolled by the same person. Cicero, in one passage of his writings,* says that *that is the best style, which the hearer thinks himself able easily to equal by imitation, but finds himself unable;* and in another place, that *he did not make it his object to speak so as every one, but so as no one, would feel confident of being able to speak.* 93. One of these positions may appear to contradict the other, but both are praised, and with good reason: for differences in style arise from difference in the nature of subjects; since simplicity, and the negligence, as it were, of an unaffected manner, are extremely suitable to inferior causes, while a grander species of oratory is better adapted to those of more importance. Cicero excels in both. The inexperienced may think that they can easily acquire one of them; the experienced will despair of acquiring either.

CHAPTER II.

Of the memory; necessity of cultivating it, § 1—3. Its nature, and remarkable powers, 4—10. Simonides was the first that taught an art of memory, 11—16. What method of assisting the memory has been tried by orators, 17—23. Its insufficiency for fixing a written or premeditated speech in the mind, 24—26. A more simple method recommended, 27—39. The greatest of all aids to the memory is exercise, 40—43. Whether an orator should write his speeches, and learn them by heart word for word, 44—49. Remarkable examples of power of memory, 50, 51.

1. Some have thought *memory* to be a mere gift of nature; and to nature, doubtless, it is chiefly owing; but it is strengthened, like all our other faculties, by exercise; and all the study of the orator, of which we have hitherto been speaking, is ineffectual, unless the other departments of it be held together by memory as by an animating principle. All knowledge depends on memory; and we shall be taught to no

* The commentators refer to Orat. c. 23 and 28, where, however, the reader will find something like the words given by Quintilian rather than the words themselves. *Spalding.* He observes that Quintilian seems to have quoted from memory. Gesner refers to Brut. c. 93.

purpose if whatever we hear escapes from us. It is the power of memory that brings before us those multitudes of precedents, laws, judgments, sayings, and facts, of which an orator should always have an abundance, and which he should always be ready to produce. The memory is accordingly not without reason called *the treasury of eloquence.*

2. But it is necessary for those who are to plead, not only to retain multitudes of particulars firmly in the memory, but also to have a quick conception of them; not only to remember what they have written after repeated perusals, but to observe the order of thoughts and words even in what they have merely meditated; and to recollect the statements of the adverse party, not necessarily with a view to refute them in the order in which they have been advanced, but to notice each of them in the most suitable place. 3. The ability of speaking extempore seems to me to depend on no other faculty of the mind than this; for, while we are uttering one thought, we have to consider what we are to say next; and thus, while the mind is constantly looking forward beyond its immediate object, whatever it finds in the meantime it deposits in the keeping as it were of the memory, which, receiving it from the conception, transmits it, as an instrument of intercommunication, to the delivery.

4. I do not think that I need dwell on the consideration *what it is that constitutes memory.* Most, however, are of opinion that certain impressions are stamped on the mind, as the signets of rings are marked on wax.* But I shall not be so credulous as to believe that the memory may be rendered duller or more retentive by the condition of the body.† 5. I would rather content myself with expressing my admiration of its powers, as they affect the mind; so that, by its influence, old ideas, revived after a long interval of forgetfulness, suddenly start up and present themselves to us, not only when we endeavour to recall them, but even of their own accord, not only when we are awake, but even when we are sunk in

* See Plato Theæt. p. 191, Steph. In the Philebus he compares the memory to a book. *Gesner.* Aristotle, de Mem. et Reminis. c. 1, compares impressions on the memory to those on wax. See Locke, Essay, b. ii. c. 10.

† *Ut quasi habitu tardiorem firmioremque memoriam putem.*] This is said in opposition to the opinion of those who thought that the memory might be strengthened and improved by drugs. *Gesner.*

sleep; 6. a peculiarity the more wonderful, as even the inferior animals, which are thought to want understanding, remember and recognize things, and, however far they may be taken from their usual abodes, still return to them again. Is it not a surprising inconsistency that what is recent should escape the memory, and what is old should retain its place in it? That we should forget what happened yesterday, and yet remember the acts of our childhood? 7. That things when sought,* should conceal themselves, and occur to us unexpectedly? That memory should not always remain with us, but sometimes return after having been lost? Yet its full power, its entire divine efficacy, would never have been known, had it not exalted eloquence to its present lustre.† 8. For it supplies the orator with the order, not only of things, but of words, not connecting together a few only, but extending a series almost to infinity, so that, in very long pleadings, the patience of the hearer fails sooner than the memory of the speaker. 9. This may be an argument that art has some influence on memory, and that nature is aided by method, since persons, when instructed, can do that which, when without instruction or practice, they could not do; though I find it said indeed by Plato,‡ that *the use of letters is a detriment to memory*, because, as he intimates, what we have committed to writing we cease, in some degree, to guard, and lose it through mere neglect. 10. Doubtless, attention of the mind is of great influence in this respect, like that of the sight of the eye with regard to objects, when not diverted from anything on which it has been fixed. Hence it happens, that of what we have been writing for several days, with a view to learning it by heart, the memory firmly embraces the whole.

11. *An Art of Memory* Simonides is said to have been the first to teach; concerning whom a well known story is re-

* "Some things which I cannot fully grasp in my memory, even when they partially occur and present themselves to it, will suddenly arise in my mind when it is making no effort to recall them, but is quite at rest." Seneca, Controv. lib. 1, præf.

† *Nisi hoc lumen orandi exulisset.*] Nisi eloquentiam ad hoc, quod nunc est, fastigium erexisset. *Spalding.*

‡ Phædr. p. Steph. 274, 275. Pithœus observes that there was a similar opinion among the Druids, according to Cæsar, B. G. vi. 14.

lated.* That when, for a stipulated sum, he had written in honour of a pugilist, who had won the crown, an ode of the kind usually composed for conquerors in the games, half of the money was refused him, because, according to a practice very common with poets, he had made a digression in praise of Castor and Pollux, for which reason he was told to apply for the other half to the deities whose praises he had chosen to celebrate. 12. The deities, according to the story, paid it; for, as a splendid entertainment was made in honour of that victory, Simonides, being invited to the banquet, was called away from it by a message that two young men, mounted on horses, earnestly requested to see him. 13. When he went out he found nobody; but he discovered, from what followed, that the deities were not ungrateful to him, for he had scarcely passed the threshold, when the banqueting-room fell down upon the guests, and crushed them so horribly, that those who went to look for the bodies of the dead, in order to bury them, were unable to recognize, by any mark, not only their faces, but even their limbs; when Simonides, by the aid of his memory, is said to have pointed out the bodies to their friends in the exact order in which they had sat. 14. But it is by no means agreed among authors, whether this ode was written for Glaucus of Carystus, or Leocrates, or Agatharcus, or Scopas; and whether the house was at Pharsalus, as Simonides himself seems somewhere to intimate, and as Apollodorus, Eratosthenes, Euphorion, and Eurypylus of Larissa, have stated, or at Cranon, as Apollas Callimachus asserts, whom Cicero has followed, giving a wide circulation to his account of the story.† 15. That Scopas, a Thessalian nobleman, was killed at that banquet, is generally believed; his sister's son is said to have perished with him; and some think that most of the family of another and older Scopas was killed at the same time. 16. However, that part of the story relating to Castor and Pollux appears to me to be utterly fabulous, as the poet himself has nowhere alluded to the occurrence, and he assuredly would not have been silent about an incident so much to his honour.

17. From what Simonides did on that occasion, it appears to have been remarked, that the memory is assisted by

* See Cic. de Orat. ii. 86. Phæd. iv. 24.

† This learned and mighty controversy has escaped us, through the loss of the works of the Grammarians named in the text. *Spalding.*

localities impressed on the mind; and every one seems able to attest the truth of the observation from his own experience; for when we return to places, after an absence of some time, we not only recognize them, but recollect also what we did in them; persons whom we saw there, and sometimes even thoughts that passed within our minds, recur to our memory Hence in this case, as in many others, art has had its origin in experiment. 18. People fix in their minds places of the greatest possible extent, diversified by considerable variety, such as a large house, for example, divided into many apartments. Whatever is remarkable in it is carefully impressed on the mind, so that the thought may run over every part of it without hesitation or delay; and it is indeed of the first importance, to be at no loss in recurring to any part, for ideas which are meant to excite other ideas, ought to be in the highest degree certain. 19. They then distinguish what they have written, or treasured in their mind, by some symbol by which they may be reminded of it; a symbol which may either have reference to the subject in general, as navigation or warfare, or to some particular word;* for if they forget, they may, by a hint from a single word, find their recollection revived. It may be a symbol, however, of navigation, as an anchor; or of war, as some particular weapon. 20. These symbols they then dispose in the following manner: they place, as it were, their first thought under its symbol, in the vestibule, and the second in the hall, and then proceed round the courts, locating thoughts in due order, not only in chambers and porticoes, but on statues and other like objects. This being done, when the memory is to be tried, they begin to pass in review all these places from the commencement, demanding from each what they have confided to it, according as they are reminded by the symbol; and thus, however numerous be the particulars which they have to remember, they can, as they are connected each to each like a company of dancers hand to hand, make no mistake in joining the following to the preceding, if they only take due trouble to fix the whole in their minds. 21. What I have specified as being done with regard to a dwelling house, may be done also with regard to public buildings, or a long road, or the walls of

* Thus, if a period begins with the word *solet*, *sol* may be the symbol for recollecting it. *Rollin.*

a city, or pictures, or we may even conceive imaginary places for ourselves.

Places, however, we must have, either fancied or selected, and images or symbols which we may invent at pleasure. These symbols are marks by which we distinguish the particulars which we have to get by heart, so that, as Cicero says,* *we use places as waxen tablets, and symbols as letters.* 22. But it will be best to cite what he adds, in his exact words: *We must fancy many plain and distinct places, at moderate distances; and such symbols as are expressive, striking, and well-marked, which may present themselves to the mind and act upon it at once.* I am therefore the more surprised that Metrodorus should have made three hundred and sixty places in the twelve signs through which the sun passes.† This was doubtless vanity and boastfulness in a man priding himself on his memory rather as the result of art than as the gift of nature.

23. For myself, I do not deny that this method may be of use in some cases; for instance, if the names of several things, after being heard in a certain order are to be repeated without deviation from it; for those who would do so, locate the things in the places which they have previously conceived, *the table*, for example, *in the vestibule, the couch in the hall*, and other things in the same way; and then, going over the places again, they find the things where they deposited them. 24. Perhaps those were assisted by this method, who, at the close of an auction, could specify what had been sold to each buyer, in conformity with the books of the money-takers. Such a proof of memory they say that Hortensius often gave.‡

But this mode will be of much less efficacy for learning by heart the parts that constitute a continuous speech; for thoughts have not their peculiar images like things, the image, in this case, being a mere fiction of the imagination; though indeed the place will suggest to us either a fictitious or a real

* De Orat. ii. 86.

† He used the twelve signs of the Zodiac as aids for his memory, dividing each into thirty compartments; but he made an injudicious choice, because these compartments in the signs of the Zodiac were not sensible and distinct objects, on which the mind could readily fix. *Turnebus.*

‡ Seneca, Controv. præf. See also Quint x. 6, 4.

image; but how will the connexion of the words of a speech* be retained in mind by the aid of such a method? 25. I do not dwell on the circumstance that some things cannot be signified by any images, as for example, conjunctions. We may have, it is true, like short-hand writers,† certain marks for every word, and an infinite number of places, as it were, in which all the words contained in the five books of the second pleading against Verres may be arranged, so that we may remember all just as we have supposed them to be deposited, but must not the course of the orator's speech, as he pronounces the words, be impeded by the double effort necessary to the memory?‡ 26. How can his words flow on in a continuous current, if he has to refer for every word to its particular image? Let Charmadas,§ therefore, and Metrodorus of Scepsis, whom I mentioned a little above,‖ both of whom Cicero asserts to have used this method, keep their art to themselves; and let me propose one of a simpler nature.

27. If a long speech is to be retained in the memory, it will be of advantage to learn it in parts; for the memory sinks under a vast burden laid on it at once. At the same time, the portions should not be extremely short; for they will then distract and harass the memory. I cannot however prescribe any certain length, since this must be suited, as much as possible, to the different divisions of the subject, unless a division, perchance, be of such magnitude that it requires to be subdivided. 28. But certain limits must assuredly be fixed, that frequent meditation may connect the series of words in each, which is attended with great difficulty, and that a repetition of the parts in their order may unite them into a whole. As to those which are least easily remembered, it will be of advantage to associate with them certain marks,¶ the recollection of which

* *Sermonis alicujus habiti.*] Spalding doubts the soundness of the word *habiti*, and, as it is certainly useless, I have not translated it.

† Comp. vi. 2, 24. ‡ That of remembering and connecting.

§ Charmadas, Metrodorus, and Hortensius are mentioned by Cicero, Tusc. Quæst. i. 24, as persons of extraordinary power of memory. *Burmann.*

‖ Sect. 22.

¶ *Aliquas—notas.*] As Quintilian has previously used the word *signum*, there is some difficulty in distinguishing between the two. "Either," says Turnebus, "he uses *signum* and *nota* for the same thing, or he means by *nota* some kind of abbreviation or compendious remark to be placed at the beginning of divisions of a speech to refresh the

may refresh and excite the memory. 29. Scarcely any man has so unhappy a memory as not to remember what symbol he designed for any particular part; but, if he be so unfortunately dull, it will be a reason for him to adopt the remedy of marks, that they may stimulate him. For it is of no small service in this method, to affix signs to those thoughts which are likely, we think, to escape us; an *anchor*, as I remarked above, if we have to speak of a ship; a *spear*, if we have to think of a battle; since signs are of great efficacy; and one idea arises from another; as when a ring shifted from one finger to another, or tied with a thread, reminds us why we shifted or tied it.

30. Those contrivances have the greatest effect in fixing things in the memory, which lead it from some similar object to that which we have to remember; as, in regard to names, if *Fabius*, for instance, is to be kept in our memory, we may think of the famous *Cunctator*, who will surely not escaape us, or of some one of our friends, who is named Fabius. 31. This is still more easy in respect to such names as *Aper*, *Ursus*, *Naso*, or *Crispus*, since we can fix in our minds the things to which they allude. A reference to the origin of derivative names is sometimes even a still better means of remembering them, as in those of *Cicero*, *Verrius*, *Aurelius*.

32. What will be of service, however, to every one, is to learn by heart from the same tablets on which he has written; for he will pursue the remembrance of what he has composed by certain traces, and will look, as it were, with the eye of his mind, not only on the pages, but on almost every individual line, resembling, while he speaks, a person reading, If, moreover, any erasure, or addition, or alteration, has been made, they will be as so many marks, and while we attend to them, we shall not go astray. 33. This method, though not wholly unlike the system of which I spoke at first,* is yet, if experience has taught me anything, more expeditious and efficacious.

To learn by heart in silence, (for it is a question whether we should do so or not,) would be best, if other thoughts did not intrude on the mind at a time when it is, so to speak, at rest, for which reason it requires to be stimulated by the voice, that

memory." "I consider," says Burmann, "that *nota* and *signum* are the same, and mean some sort of note to be placed in the margin."

* Sect. 18—23.

the memory may be excited by the double duty of speaking and hearing. But the tone of voice ought to be low, and rather a kind of murmur. 34. As to him that learns from another person who reads to him, he is in some degree retarded, as the sense of seeing is quicker than that of hearing, but he may, on the other hand, be in some degree benefited, as, after he has heard a passage once or twice, he may immediately begin to try his memory, and attempt to rival the reader; indeed, for other reasons, we should make it our great care to test the memory from time to time, since continuous reading passes with equal celerity over that which takes less and that which takes more hold of the mind; while, in making trial whether we retain what we have heard, not only a greater degree of attention is applied, but no time is unoccupied, or lost in repeating that which we already know, as, in this way, only the parts that have escaped us are gone over again, that they may be fixed in the memory by frequent repetition, though generally, indeed, these very parts are more securely stored in the memory than others, for the very reason that they escaped it at first.

35. It is common alike to learning by heart and to composition, that good health, excellent digestion, and a mind free from other subjects of care, contribute greatly to success in them.

36. But for fixing in the memory what we have written, and for retaining in it what we meditate, the most efficacious, and almost the only, means, (except exercise, which is the most powerful of all,) are *division* and *arrangement*. He who makes a judicious division of his subject, will never err in the order of particulars; 37. for, if we but speak as we ought,* there will be certain points, as well in the treatment as in the distribution of the different questions in our speech, that will naturally be first, second, and so on; and the whole concatenation of the parts will be so manifestly coherent, that nothing can be omitted or inserted in it without being at once perceived. 38. Did Scævola, after playing at the game of the twelve lines,† in which he had been the first to move, and had been

* *Si modò rectè dicimus.*] If we do not indulge in such ambitious and ostentatious ornament as to obscure, by its excessive splendour, the connexion and divisions of our matter. *Spalding.*

† *In lusu duodecim scriptorum.*] This was a game played with counters on a board moved according to throws of the dice, but

beaten, and going over the whole process of the game in his mind as he was travelling into the country, recollect at what move he had made a mistake,* and return to tell the person with whom he had been playing, who acknowledged that it was as he said; and shall order have less effect in a speech, where it is settled wholly at our own pleasure, than it has in a game, where it depends partly on the will of another? 39. All parts that have been well put together, too, will guide the memory by their sequence; for as we learn by heart verse more easily than prose, so we learn compact prose better than such as is ill-connected. Thus it happens that passages in a speech, which seemed to have been poured forth extempore, are heard repeated word for word; and such repetition was possible even to the moderate power of my own memory, whenever, as I was declaiming, the entrance of any persons, who merited such attention, induced me to repeat a portion of my declamation. I have no opportunity of saying what is untrue, as there are people living that were present when I did so.†

40. If any one ask me, however, what is the only and great art of memory, I shall say that it is *exercise* and *labour*. To learn much by heart, to meditate much, and, if possible, daily, are the most efficacious of all methods. Nothing is so much strengthened by practice, or weakened by neglect, as memory. 41. Let children, therefore, as I directed,‡ learn as much as possible by heart at the earliest possible age; and let every one, at whatever age, that applies himself to strengthen his memory by cultivation, get resolutely over the tedium of going through what has often been written and read, and of masticating repeatedly, as it were, the same food; a labour which may be rendered easier, if we begin with learning a few things first, and such as do not create disgust in us; and we may then add to our task a verse or two every day, the addition of which will cause no sensible

different from our backgammon. It was called *duodecim scripta* from twelve lines that were drawn on the board. See Cicero de Orat. i. 50, and Ernest. Clav.; Adam's Rom. Ant. p. 453; Smith's Dict. of Gr. and Rom. Ant. art. Latrunculi.

* *Quo dato errásset.*] *Dare* was the proper word with regard to the moves in this game. *Spalding.*

† There is something that I do not like in such earnest asseveration. But Quintilian has spoken in a similar way before, iv. 2, 86. *Spalding*

‡ 1. 1, 35; ii. 7, 25.

increase to our labour, but will lead, at length, to almost inconceivable results. We may first learn pieces of poetry, then passages from orators, and at last composition of a less studied kind, and more remote from the style of oratory, as that of writers on law. 42. For what is intended as an exercise ought to be of a rather difficult nature, in order that that for which it is intended as an exercise may be easier; just as athletes accustom their hands to leaden weights, though they must use them empty and unarmed in actual combats.

I must not omit to mention, what is found to be true by daily experience, that in minds of a somewhat slow nature, the impression of what is recent on the memory is by no means exact. 43. It is astonishing how much strength the interval of a night gives it; and a reason for the fact cannot be easily discovered; whether it be from the effort, the fatigue of which was a hindrance to itself, being suspended during the time; or whether it be that reminiscence, which is the most efficient quality of the memory, is cherished or matured; certain it is, that what could not be repeated at first, is readily put together on the following day; and the very time which is generally thought to cause forgetfulness is found to strengthen the memory. 44. On the other hand, the extraordinarily quick memory soon allows what it has grasped to escape it; and as if, after discharging a present duty, it owed nothing further, it resigns its charge like a dismissed steward. Nor is it indeed surprising that what has been longest impressed upon the mind should adhere to it with the greatest tenacity.

From this difference in minds a question has arisen, *whether those who are going to deliver a speech should learn it by heart word for word, or whether it be sufficient to master merely the substance and order of particulars.* 45. This is a point on which certainly no general decision can be given; for, for my own part, if my memory be sufficiently strong, and time be not wanting, I should wish not a single syllable to escape me; else it would be to no purpose to write. Such exactness we should acquire in childhood; and the memory should be brought to such a condition by exercise, that we may never learn to excuse its failures. To be prompted, therefore, and to refer to one's writing, is pernicious, as it grants indulgence to carelessness; nor will a speaker feel that he retains with sufficient security that which he is in no fear of losing. 46

Hence, too, proceed interruptions in the course of our speech, and a mode of delivery halting and irregular, while the speaker, appearing like one who has learned a lesson, destroys the whole grace of what he had written with grace, by making it evident that he did write it. 47. But a good memory gains us credit even for readiness of wit, as we appear, not to have brought what we utter from home, but to have conceived it on the instant; an opinion which is of great service both to the speaker and to his cause; for a judge admires more, and distrusts less, that which he regards as not having been pre-concerted to mislead him. We should therefore consider it as one of the most excellent artifices in pleading to deliver some parts of our speech, which we have extremely well connected, as if they had not been connected at all, and to appear, at times, like persons thinking and doubting, seeking what we have in reality brought with us, 48. What it is best for a speaker to do, then, in regard to memory, cannot escape the apprehension of any one.

But even if a person's memory be naturally dull, or if time be but short, it will be useless for him to tie himself down to a series of words, when to forget any one of them may occasion either disagreeable hesitation, or total silence; and it will be far safer for him, after treasuring up his matter in his mind, to leave himself at liberty to deliver it as he pleases; for a speaker never loses a single word that he has chosen, without regret, and cannot easily put another in its place while he is trying to recollect the very one that he had written. 49. But not even such power of substitution is any remedy for a weak memory, unless in those who have acquired some ability in speaking extempore; and if both resources be wanting to a speaker, I would advise him to renounce entirely all attempts at pleading, and to apply himself, if he has any talent for composition, to writing. But such unfortunate weakness of memory is very rarely seen.

50. What strength the memory may attain when assisted by nature and art, Themistocles may be named as an instance, who, as is generally believed, learned to speak the Persian language accurately in less than a year;* or Mithridates, to whom it is said that two and twenty languages, the number of

* Thucyd. i. 137; Corn. Nep. ii. 10, 1. Plutarch, Themist. p. 220, Steph.

the nations over whom he ruled, were known ;* or Crassus † the rich, who, when he was prætor of Asia, was so well acquainted with the five dialects ‡ of the Greek tongue, that in whichsoever of them a complainant sought justice from him, he pronounced in that very dialect a decision on his case ; or Cyrus, who is supposed to have known the names of every one of his soldiers. 51. Theodectes, also, is said to have been able to repeat instantly any number of verses after having once heard them. There were said to be persons, in my time, who could do so, but I never had the fortune to witness such a performance. The belief in its possibility may well, however, be cherished, if for no other reason than that he who thinks it practicable may hope to effect it.

CHAPTER III.

Of delivery ; the effect of it, and qualifications necessary to excellence in it, § 1—9. Some have asserted that the study of delivery is useless, 10—13. Of the voice, its natural excellences and defects, 14—18. Care that should be taken of the voice, 19—23. Exercise of it necessary, 24—29. Of pronunciation and delivery ; pronunciation should be clear, 30—34. Distinct, 35—39. Graceful and agreeable, 40—42. Of equality and variety in the tone of the voice, 43—52. Of the management of the breath, 53—56. Of falling into a singing tone, 57—60. Of appropriate pronunciation and delivery, 61—64. Of gesture, 65—68. Of decorum, 69—71. Of the countenance, 72—81. Of the management of other parts of the body, 82—87. Of imitation ; must not be in excess, 88—91. Of certain common gestures and attitudes of the hands and fingers, 92—116. Of faulty and unbecoming gestures, 117—130. Of habits in which many speakers indulge, 131—136. Of dress, and the management of the toga, 137—149. An orator must adapt his delivery to his subject, and to the characters of those before whom he speaks ; various remarks on decorum in speaking, 150—176. But everything cannot be taught, and an orator must consult his own powers and qualifications, 177—184.

1. *Delivery* is by most writers called *action ;* but it appears to derive the one name from the voice, and the other from the

* Plin. H. N. vii. 24, xxv. 2 ; Aul. Gell. xvii. 17.
† Val. Max. viii. 7, 6.
‡ Attic, Ionic, Doric, Æolic, and Macedonian.

gesture; for Cicero calls action sometimes the *language, as it were,** and sometimes the *eloquence of the body.*† Yet he makes two constituent parts of action, which are the same as those of delivery, *voice* and *motion.* We, therefore, make use of either term indiscriminately.

2. As for the thing itself, it has a wonderful power and efficacy in oratory; for it is not of so much importance what sort of thoughts we conceive within ourselves, as it is in what manner we express them; since those whom we address are moved only as they hear. Accordingly there is no proof, that proceeds in any way from a pleader,‡ of such strength that it may not lose its effect, unless it be supported by a tone of affirmation in the speaker. All attempts at exciting the feelings must prove ineffectual, unless they be enlivened by the *voice* of the speaker, by his *look*, and by the *action of almost his whole body.* 3. For when we have displayed energy in all these respects, we may think ourselves happy, if the judge catches a single spark of our fire; and we surely cannot hope to move him if we are languid and supine, or expect that he will not slumber if we yawn. 4. Even actors on the stage give proof of the power of delivery, since they add so much grace even to the best of our poets, that the same passages delight us infinitely more when they are heard than when they are read; and they gain a favourable hearing for the most contemptible performances, insomuch that pieces which have no place in our libraries are welcomed time after time at the theatre 5. If, then, in matters which we know to be fictitious and unreal, delivery is of such effect as to excite in us anger, tears, and concern, how much additional weight must it have when we also believe the subjects on which it is bestowed? For my own part, I should be inclined to say that language of but moderate merit, recommended by a forcible delivery, will make more impression than the very best, if it be unattended with that advantage. 6. Accordingly Demosthenes, when he was asked what was the chief excellence in the whole art of oratory, gave the palm to

* *Est enim actio quasi sermo corporis.* Cic. de Orat. iii. 59.

† *Est enim actio quasi corporis quædam eloquentia, quum constet e voce atque motu.* Cic. Orat. c. 17.

‡ That is, which is not altogether of an inartificial kind. See v. 1, 1. *Spalding.*

delivery, and assigned to it also the second and third place, until he ceased to be questioned; so that he may be thought to have esteemed it not merely the principal, but the only excellence. 7. It was for this reason that he himself studied it under Andronicus * the actor, and with such success that Æschines, when the Rhodians expressed admiration of his speech, appears to have exclaimed with great justice, *What if you had heard him himself deliver it?* 8. Cicero † also thinks that delivery has supreme power in oratory. He says that Cneius Lentulus obtained more reputation by his delivery than by any real power of eloquence; that it was by delivery that Caius Gracchus, in deploring his brother's death, excited the tears of the whole Roman people; and that Antonius and Crassus produced great impression by it, but Hortensius more than either of them. A proof of this remark regarding Hortensius, is, that his writings are so much below that character for which he was long accounted the chief of our orators, then the rival of Cicero, and at last, as long as he lived, second to him; whence it appears that there was some charm in his delivery which we do not find in reading him. 9. Indeed, as words have much power of themselves, as the voice adds a particular force to thought, and as gesture and motion are not without meaning, some great excellence must necessarily be the result when all these sources of power are combined.

10. Yet there are some who think that an unstudied mode of delivery, such as the impulse of the individual speaker's mind produces, is more forcible, and indeed the only mode of delivery worthy of men. But those who hold this opinion are mostly such as make it their practice to decry all care, and art, and polish in speaking in general, and to condemn whatever is acquired by study as affected and unnatural; or such as pretend to imitate antiquity by an assumed rudeness of style and pronunciation, as Cicero ‡ says that Lucius Cotta used to do. 11. Let those, however, who think it enough for men to be born to become orators, enjoy their own opinion, but let them

* Satyrus is the name generally given to the instructor of Demosthenes; as in Plutarch.

† Orat. c. 56. Concerning Lentulus, Gracchus, Antonius, Crassus, Hortensius, see Brut. c. 66, 89, 38, 43, 88; de Orat. iii. 56.

‡ De Orat. iii. 11, 12; Brut 74.

be indulgent, at the same time, to the trouble which I take, who believe that there can be no consummate excellence except when nature is assisted by art. 12. But I allow, without the least reluctance, that the chief power rests with nature; for he, assuredly, will be unable to deliver himself properly, to whom either memory is wanting for retaining what he has written, or ready facility in uttering what he has to speak extempore; or if any incurable defects of utterance disable him. There may even be such extraordinary deformity of body in a person that it cannot be remedied by any effort of art. 13. Nor can a weak voice attain any degree of excellence in delivery; for we may manage a sound and strong voice as we please, but a bad or weak voice prevents us from doing many things that are necessary, as giving emphasis and elevation of tone, and forces us to do many other things that we ought to avoid, as breaking our sentences, adopting an unnatural pitch, and recruiting a hoarse throat and exhausted lungs with an offensive resemblance to singing. But let me now speak of him who is so qualified by nature that rules will not fail to be of use to him.

14. Since delivery in general, as I said, depends upon two things, *voice* and *gesture*, of which the one affects the eyes and the other the ears, the two senses through which all impressions find their way into the mind, it is natural to speak first of the *voice*, to which, also, the *gesture* is to be adapted.

In regard to it, then, the first thing to be considered is *what sort of voice we have*, and the next, *how we use it*. The natural power of the voice is estimated by its *quantity* and its *quality* 15. Of these, the *quantity* is the more simple consideration, for it may be said in general that it is either *much* or *little;* but between the extremes of these quantities there are many diversities, and many gradations from the lowest tone to the highest, and from the highest to the lowest. *Quality* is more varied; for the voice is either *clear* or *husky*, *full* or *weak*, *smooth* or *rough*, of *smaller* or *larger compass*, *hard* or *flexible*, *sharp* or *flat*. 16. The *breath* may also be *longer* or *shorter* As to the causes whence each of these peculiarities arises, it is not necessary to the design of my work to consider whether the difference lies in those parts of the body in which the breath is generated, or in those through which, as through tubes, it passes; whether it results from the nature of the voice itself, or from the impulse which it receives; or whether strength of

lungs, or of the chest, or even of the head, affords it most assistance; for there is need of concurrent aid from all these parts, as well as of a clear formation,* not only of the mouth, but also of the nostrils, through which the remainder of the breath † is expelled. The general tone of the voice, however, ought to be sweet, not grating.

17. In the *management of the voice* there are many particulars to be observed; for besides the three main distinctions of *acute*, *grave*, and *intermediate*, there is need of many other kinds of intonation, as the *forcible* and the *gentle*, the *higher* and the *lower;* and of *slower* or *quicker* time.‡ 18. But between these varieties there are other intermediate varieties; and as the face, though it consists of very few features, is infinitely diversified, so the voice, though it has very few variations that can be named, has yet a peculiar tone in each individual; and the voice of a person is as easily distinguished by the ear, as the face by the eye.

19. But the good qualities of the voice, like those of all our other faculties, are improved by attention and deteriorated by neglect. The attention to be paid to the voice by orators, however, is not the same as that which is required from singing-masters;§ though there are many things equally necessary to both; as strength of body, for instance, that the voice may not dwindle down to the weak tone of eunuchs, women, and sick persons; strength which walking, anointing with oil, continence, and easy digestion of food, which is the result of moderation in eating, contribute to maintain. 20. It is necessary, also, that the throat be in good condition, that is, soft and flexible, for by any defect in it the voice may be rendered broken, husky, rough, or squeaking;‖ for as flutes, receiving the same breath, give one sound when the holes are stopped, another when they are open, another when the instru-

* *Suavitate.*] He says that of the organs which is properly applicable only to the effect produced by them.

† *Quod superest vocis.*] What remains of the breath that constitutes the voice.

‡ *Spatiis—lentioribus aut citatioribus.*] Said with reference to long and short syllables, of which feet and numbers consist. *Capperonier.*

§ *A phonascis.*] A *phonascus* was a person who taught the management of the voice in general, either in singing or speaking.

‖ *Scinditur.*] Is split, as it were, into several tones, instead of having one full tone. Compare *Finditur etiam spiritus*, sect. 21.

ments are not thoroughly clean, and another when they are cracked; so the throat, when swollen, strangles the voice, when not clear, stifles it, when dry, roughens it, and when affected with spasms, gives forth a sound like that of broken pipes. 21. The breath, too, is sometimes broken by some obstruction, as a small stream of water by a pebble, the current of which, though it unites soon after the obstruction, yet leaves something of a void behind it. Too much moisture also impedes the voice, and too little weakens it. As to fatigue, it affects the voice as it affects the whole body, not for the present merely, but for some time afterwards.

22. But though exercise is necessary alike for singing-masters and orators, in order that all their faculties may be in full vigour, yet the same kind of attention to the body is not to be expected from both; for certain times for walking cannot be fixed for himself by a man who is occupied in so many duties of civil life, nor can he tune his voice at leisure from the lowest to the highest notes; or give it rest when he pleases from the labours of the forum, since he has often to speak on many trials in succession. 23. Nor need he observe the same care in regard to diet; for he has occasion, not so much for a soft and sweet voice, as for one that is strong and durable, and though singers may soften all sounds, even the highest, by a certain modulation of the voice, we, on the contrary, must often speak with roughness and vehemence We must frequently, also, watch whole nights, we must imbibe the smoke of the lamp by which we study, and remain long, during the day-time, in garments moistened with perspiration.* 24. Let us not, therefore, weaken our voice by delicate treatment of ourselves, or bring it to a condition which will not be enduring; but let the exercise which we give it be similar to the exertion for which it is destined; let it not be relaxed by want of use, but strengthened by practice, by which all difficulties are smoothed.

25. To learn passages of authors by heart, in order to exercise the voice, will be an excellent method; for as to those who speak extempore, the feeling which is excited by their

* A practice which the *phonasci* say should be avoided, and make it a rule that after great perspiration the orator should anoint himself with oil; but speakers cannot adhere strictly to the precepts of the *phonasci*. Turnebus.

matter prevents them from giving due attention to the voice; and it will be well to learn passages of as much variety of subject as possible, such as may exercise us in exclamation, in discussion, in the familiar style, and in the softer kind of eloquence,* that we may be prepared for every mode of speaking. 26. This will be sufficient exercise; but the delicate voice, which is too much nursed, will be unequal to any extraordinary exertion; just as athletes accustomed to the oil and the gymnasium, though they may appear, in their own games, handsome and strong, yet, if we were to order them on a military expedition, and require them to carry burdens and pass whole nights on guard, would soon faint with fatigue, and long to be anointed and to perspire at freedom in an undress. 27. Who, indeed, in a work like this, would endure to find it directed that sunshine and wind, cloudy and very dry days, should be objects of dislike to an orator?† If, then, we be called upon to speak in the sun, or on a windy, moist, or hot day, shall we desert our clients? As to the admonitions that some give, that an orator should not speak when he is suffering from indigestion, or heavy after a full meal, or intoxicated, or after having just vomited, I suppose that no man, who retains possession of his senses, would be guilty of such folly.

28. It is not without reason, however, directed by all writers, that we should be moderate in the exercise of the voice at the period of transition from boyhood to manhood, because it is then naturally obstructed, not, as I think, from heat, as some have imagined, (for there is more heat in the body at other periods of life,) but rather from excess of moisture, with which that age abounds. 29. Hence the nostrils, too, and the breast, dilate at that time, and the body germinates, as it were, all over, and consequently every part is tender and liable to injury.

But, that I may return to my subject, I consider the best kind of exercise for the voice, when it is well strengthened and developed, to be that which has most resemblance to the orator's business, namely, to speak every day just as we plead

* *Flexus*] That is, passages which require to be spoken in a tone adapted for exciting pity, a tone which approaches to singing; see sect 170; also i. 11, 12. *Spalding.*

† Quintilian doubtless alludes to some work or works in which such directions had been given.

in the forum; for, by this means, not only the voice and lungs will be strengthened, but a graceful carriage of the body, suited to our style of speaking, will be acquired.

30. As to *rules for delivery*, they are precisely the same as those for language.

For as language ought to be *correct*, *clear*, *elegant*, and *to the purpose*, so delivery will be correct, that is, free from fault, if our pronunciation be *easy*, *clear*, *agreeable*, and *polished*, that is, of such a kind that nothing of the rustic or the foreign * be heard in it; for the saying *Barbarum Græcumve*,† that a man is "Barbarian or Greek," is not without good foundation, since we judge of men by their tones as of money by its clink. 31. Hence will arise the excellence which Ennius admired, when he said that *Cethegus was a man of sweetly speaking voice*, a quality very different from that which Cicero censures in those who, as he said, *barked rather than pleaded*.‡ There are, indeed, many faults in pronunciation, of which I spoke in a part of my first book,§ when I was giving directions for forming the speech of children, judging it most to the purpose to mention them under that age at which they may be corrected. 32. If the voice, too,‖ be naturally, so to speak, *sound*, it will have none of those defects to which I just now alluded; and it will, moreover, not be *dull sounding*, *gross*, *bawling*, *hard*, *stiff*, *inefficient*,¶ *thick*, or, on the contrary, *thin*, *weak*, *squeaking*, *small*, *soft*, *effeminate*; while the breathing, at the same time, should be neither *short*, nor *unsustained*, nor *difficult to recover*.

* See the anecdote of Theophrastus, viii. 1, 2.

† Of this proverb I find no mention in any other author; and I see that it is generally understood as referring to a person who spoke bad Latin, and was accordingly regarded by the Romans as a barbarian or a Greek; and Gesner, therefore, refers us to i. 1, 13, where Quintilian speaks of Latin pronunciation being corrupted by a mixture of Greek. The proverb, however, may not have referred only to Latin pronunciation, but may have been borrowed from the Greeks. *Spalding.*

‡ Cicero Brut. c. 15; Orat. iii. 34.

§ I. 1, 37; 5, 32; 8, 1; and especially the whole of c. 11. *Gesner.*

‖ This must be connected with the requisites mentioned in sect. 30. *Spalding.*

¶ *Vana.*] What sort of voice a *vox vana* is, I am as ignorant as Burmann, who wishes, and I think judiciously, to put *vasta* in the place of *vana*, referring to *vastitatem oris*, Columell. i. 9; *canem vasti latratûs*, vii. 12; besides several passages of Cicero which may easily be found. *Spalding.*

33. Our pronunciation will be *clear*, if, in the first place, our words are uttered entire; for, by many, part of them is often swallowed, and part never formed, as they fail to pronounce the last syllables of words while they dwell on the sound of the first. 34. But though the full articulation of words is absolutely necessary, yet to count and number, as it were, every letter, is disagreeable and offensive; for vowels very frequently coalesce, and some consonants are elided when a vowel follows. I have already given* an example of both, in

Multum ille et terris.

35. The concurrence of consonants that would produce a harsh sound is also avoided, whence we have *pellexit*, *collegit*,† and other forms which we have noticed elsewhere.‡ Thus the *delicate utterance of his letters* was a subject of praise in Catulus.§

The second requisite to clearness of pronunciation is, *that the phrases be distinct*, that is, that the speaker begin and stop where he ought. He must observe where his words are to be reined in, as it were, and suspended. (what the Greeks call ὑποδιαστολή, or ὑποστιγμή,) and where they are to be altogether brought to a stand. 36. After pronouncing the words *Arma virumque cano*,‖ there is a suspension only, because they are

* IX. 4, 40. † For *perlexit, conlegit.*

‡ *Alio loco.*] Spalding supposes that we should read *illo loco*, the place to which he has just alluded. § Cicero Brut. c. 74.

‖ *Arma virumque cano, Trojæ qui primus ab oris*
Italiam, fato profugus, Lavinaque venit
Litora: multum ille et terris jactatus et alto,
Vi superûm, sævæ memorem Junonis ob iram;
Multa qu que et bello passus, dum conderet urbem,
Inferretque deos Latio: genus unde Latinum,
Albanique patres, atque altæ mœnia Romæ.

Arms and the man I sing, who, forc'd by fate,
And haughty Juno's unrelenting hate,
Expell'd and exil'd, left the Trojan shore;
Long labours, both by sea and land, he bore,
And in the doubtful war, before he won
The Latian realm, and built the destin'd town,
His banish'd gods restor'd to rites divine,
And settled sure succession in his line,
From whence the race of Alban fathers come,
And the long glories of majestic Rome. *Dryden.*

connected with what follows, *virum Trojæ qui primus ab oris*, after which there is another suspension; for though there is a difference between *whence he came* and *whither he came*, yet we must not make a full stop, as both are signified by the same word *venit*. 37. After *Italiam* we make a third suspension, because the words *fato profugus* are thrown in, and break the connexion which exists between *Italiam* and *Lavinaque*. For the same reason, there is a fourth suspension after *profugus*, when there follows *Lavinaque litora*, after which there will be a full stop, because there another sentence commences. In the more considerable distinctions, however, we must allow sometimes a longer interval of time, and sometimes a shorter, for it makes a difference whether they are at the end of a period or only at that of a phrase. 38. I shall, accordingly, after pausing at *Litora*, allow myself just to take breath; but, when I come to the words *atque altæ mœnia Romæ*, I shall break off, make a full stop, and proceed, as it were, to a new commencement. 39. Pauses are also made sometimes in periods without any respiration; as in the passage, *In cœtu verò populi Romani, negotium publicum gerens, magister equitum*, &c. "But in an assembly of the Roman people, holding a public office, being master of the horse," &c. This sentence has many members, for there are several distinct thoughts; but as one period comprehends them all, we must make but short pauses to mark the intervals between them, and not interrupt the continuation of the sense. But, on the other hand, we must sometimes take breath without any perceptible pause, in passages where we must steal a respiration, as it were; else, if a respiration be made injudiciously, it may cause as much obscurity in the sense as a wrong distinction. The merit of making proper distinctions may perhaps be little; but without it all other merit in speaking would be vain.

40. That delivery is *elegant*, which is supported by a voice that is *easy, powerful, fine, flexible, firm, sweet, well-sustained, clear, pure, that cuts the air and penetrates the ear*; for there is a kind of voice naturally qualified to make itself heard, not by its strength, but by a peculiar excellence of tone; a voice which is obedient to the will of the speaker, susceptible of every variety of sound and inflexion that can be required, and possessed, as they say, of *all the notes of a musical instrument*, and to maintain it there should be strength of lungs, and

breath that can be steadily prolonged, and is not likely to sink under labour 41. Neither the lowest musical tone, nor the highest, is proper for oratory; for the lowest, which is far from being clear, and is too full, can make no impression on the minds of an audience; and the highest, which is very sharp, and of excessive shrillness, rising above the natural pitch of the voice, is neither susceptible of inflexion from pronunciation, nor can endure to be kept long on the stretch. 42. For the voice is like the strings of an instrument; the more relaxed it is, the graver and fuller is its tone; the more it is stretched, the more thin and sharp becomes the sound of it. Thus a voice in the lowest key wants force; in the highest, is in danger of being cracked. We must, therefore, cultivate the middle tones, which may be raised when we speak with vehemence, and lowered when we deliver ourselves with gentleness.

43. The first requisite to be noticed for pronouncing well, is, that an *equality of tone* must be maintained: so that our speech may not proceed by starts, with irregular intervals and tones, confounding long syllables with short, grave sounds with acute, high with low, and halting from disorder in all these particulars, as a person halts in walking from having legs of unequal length. The next requisite is *variety of tone*, in which alone pronunciation consists. 44. Nor let any one suppose that equality and variety are incompatible; for the fault opposed to equality is inequality, while that which is opposed to variety is what the Greeks call μονοειδές, as presenting always *one and the same aspect*. The art of giving variety to pronunciation, however, not only adds grace to it, and pleases the ear, but relieves the hearer by the change that pervades his labour, as alterations in position, standing, walking, sitting, lying, relieve the body; for in no one of those attitudes can we endure to continue long. 45. But what is of the highest importance, (and I shall treat of it very soon,) is, that the tone of our voice must be kept conformable to the nature of the subjects on which we speak, and the feelings of our minds, that the sound may not disagree with the sense. Let us avoid, therefore, that which is in Greek termed *monotony*, a uniform exertion of the breath and voice; and let us not only beware of uttering anything in a bawling tone, which is madness, or in the tone of conversation, which wants

animation, or in a low murmuring tone, by which all effort is deadened; 46. but let us study that in delivering the same parts of speeches, and in expressing the same feelings, there may yet be some distinctions, however moderate, in our tone, such as the dignity of our language, the nature of our thoughts, the conclusions or commencements of our periods, or our transitions, may require; just as painters who use but one colour, nevertheless make some parts of their pictures appear more prominent, and others more retiring, without which difference they could not even have given due forms to the limbs of their figures.

47. Let us contemplate the commencement of the noble oration of Cicero on behalf of Milo. Do we not see, that at almost every division of the phrases, the tone of the speaker must be in some degree varied, though the same kind of tone is still preserved?* *Etsi vereor, judices, ne turpe sit, pro fortissimo viro dicere incipientem timere*, "Though I am apprehensive that it may be dishonourable in me, judges, in beginning to speak on behalf of the bravest of men, to manifest fear." 48. Notwithstanding this exordium is, in its whole character, constrained and submissive, not only as being an exordium, but as being that of a person deeply concerned, yet the tone of the orator must have been fuller and more elevated when he pronounced the words *pro fortissimo viro*, "on behalf of the bravest of men," than when he said *Etsi vereor*, "Though I fear," and *ne turpe sit*, "lest it be dishonourable," and *timere*, "to manifest fear." 49. The next member, after the speaker has taken breath, must be still more elevated in tone, rising by a natural effort, because we utter what follows with less timidity, and because the magnanimity of Milo is then shown: *Minimèque deceat, quum T. Annius ipse magis reipublicæ de salute, quàm de suâ perturbetur*, "And lest it should be far from becoming, when Milo himself is more anxious for the safety of the state than for his own," after which there follows a species of self-reproach, *me ad ejus causam parem animi magnitudinem afferre non posse*, "for me to be unable to bring equal firmness of mind to his defence." 50. He then casts a reflection on the unusual nature of the

* *Quamvis in eâdem facie, tamen vultus mutandus est.*] "Though the face be the same, the look must be varied."

proceedings: *Tamen hæc novi judicii nova forma terret oculos*, "Yet this new form of proceedings, attendant on a new mode of trial, fills my eyes with dismay." What follows he delivers, as they say, *with the full sound of the flute*,* *Qui, quocunque inciderunt, consuetudinem fori, et pristinum morem judicio rum requirunt*, "since, wherever they direct themselves, they seek in vain for the ordinary usages of the forum, and the ancient mode of legal transactions." The next phrase is to be given in a free and unrestrained manner: *Non enim coronâ consessus vester cinctus est, ut solebat*, &c. "For your assembly is not encircled with such attendants as it used to be," &c. 51. These remarks I have made to show, that not only in the larger divisions of a cause, but even in the phrases of every period, some variety of pronunciation may be adopted, without which, indeed, nothing can be made to appear as either more or less important.

But the voice must not be strained beyond its natural power, for, by that means, it is often choked, and becomes less clear the greater the effort that is used; and sometimes, if urged too far, it breaks out into the sound to which the Greeks have given a name from the crowing of young cocks.† 52. Nor is what we say to be expressed confusedly through too great rapidity of utterance, by which all distinction of phrases is lost, and all power of touching the feelings; and by which words are even sometimes curtailed of their syllables. The fault contrary to this is that of excessive slowness, and it is a

* The commentators do nothing to illustrate this proverb, except referring to i. 11, 6. On the suggestion of Erasmus, Adag. i. 5, 96, I would compare with it the verses of Sophocles cited by Cicero ad Attic. ii. 16. (Brunck. Fragm. Incert. 80.)

Φυσᾷ γὰρ οὐ σμικροῖσιν αὐλισκοις ετι,
Ἀλλ' ἀγρίαις φύσαισι φορβειᾶς ἄτερ.

"He blows no longer with small pipes, but with furious bellows without stop." *Spalding.* There is an allusion to these verses in Longinus, sect. 3.

† What Greek word Quintilian had in his mind, the commentators have not discovered; for as to κλωσμός, which has been thrust into most texts, it has nothing to do with the matter, since it means the *cackling of hens.* But the lines of Juvenal have been very aptly cited in illustration of the passage:

Vocem angustam, quâ deterius nec
Ille sonat, quo mordetur gallina marito.
Sat. iii. 90. *Spalding.*

great fault, for it argues a difficulty of finding something to say, it renders the hearer drowsy from affording no excitement to his attention, and, what may be of some importance, it wastes the time allowed by the hour-glass. Our pronunciation must be fluent, not precipitate, well regulated, but not slow.

53. The breath, also, must not be drawn too frequently, so as to break our sentences to pieces, nor must it be prolonged until it is spent, for the sound of the voice, when the breath is just lost, is disagreeable; the breathing of the speaker is like that of a man held long under water, and the recovery of the breath is long and unseasonable, as being made, not when we please, but when it is compulsory. When we are about to pronounce a long period, therefore, we must collect our breath, but in such a way as not to take much time about it, or to do it with a noise, or to render it at all observable; in other parts the breath may be freely drawn between the divisions of the matter. 54. But we ought to exercise it, that it may hold out as long as possible. Demosthenes, in order to strengthen his, used to repeat as many verses as he could in succession, climbing up a hill;* and he was accustomed, while he spoke at home, to roll pebbles under his tongue, that he might pronounce his words more freely when his mouth was unencumbered. 55. Sometimes the breath can hold out long, and is sufficiently full and clear, but is yet incapable of being firmly sustained, and is consequently tremulous, resembling some bodies, which though strong in appearance, are nevertheless weak in the nerves. This imperfection in the breath the Greeks call *βράγχος*.†

There are some speakers who do not draw their breath in the ordinary way, but suck it in with a hissing through the interstices of their teeth. Others there are, who, by incessant panting, which can be plainly heard within their mouth, resemble beasts labouring under burdens or in the yoke 56. Some even affect this manner, as if they were oppressed with the redundancy of matter in their minds, and as if a greater force of eloquence were rising within them than could well find a passage through their throats. Others, again, have a tightness of the mouth, and seem to struggle with their words to force them out. To cough, to make frequent expec-

* Plutarch, Vit. Demosth. c. 7. † Sore throat or hoarseness.

torations, to hoist up phlegm from the bottom of the chest as it were with a windlass,* to sprinkle the by-standers with the moisture from the mouth, and to emit, in speaking, the greater part of the breath through the nostrils, may, though they are not properly faults of the voice, be nevertheless reasonably noticed here, as it is in the use of the voice that they display themselves.

57. But I would endure any one of these faults sooner than one with which we are annoyed in all pleadings and in every school; I mean that of speaking in a singing tone; and I know not whether it is more to be condemned for its absurdity or for its offensiveness; for what is less becoming to an orator than such theatrical modulation, which at times, indeed, resembles the loose singing of persons intoxicated, or engaged in a revel? 58. What can be more adverse to moving the feelings, than, when we should express grief, or anger, or indignation, or pity, not only to hold back from those affections, to which the judge ought to be led, but to violate the sanctity of the forum with the licence of games at dice?† for Cicero said that *the orators from Lycia and Caria almost sang in their perorations.* As for us, we have even somewhat exceeded the more severe modes of singing. 59. Does any one, let me ask, sing in defending *himself*, I do not say on a charge of murder, or sacrilege, or parricide, but even in disputes about money transactions or the settlement of accounts, or, in a word, in any kind of lawsuit?‡ If singing is at all to be admitted, there is no reason why we should not assist the modulation of the voice with the lyre or the flute, or even, please heaven, with cymbals, instruments which would be more in conformity with such an offensive practice.§ 60. Yet we fall into the

* [Velut] *trochleis.*] *Velut* is not found in any text, but the necessity of inserting it has been well seen by Spalding.

† *Ludorum talarium licentiâ.*] With these words no reader or critic has been satisfied. Werlholf, indeed, a friend of Gesner, cites, as some support to them, from Cicero, Philipp. ii. 23, *Hominum omnium nequissimum, qui non dubitaret vel in foro aleâ ludere,* but this, as Spalding observes, is not much to the purpose. A very ingenious emendation is proposed by Pithœus, *Lyciorum et Carium licentiâ,* which Spalding thinks likely to be the true reading, as it suits admirably with what follows. Gedoyn has adopted it in his version.

‡ If not, his advocate should equally forbear from singing.

§ Cymbals being used in the rites of the Galli. Comp. i 10, 31. *Spalding.*

absurdity with willingness, for every one is charmed with what he himself sings, and there is less labour in chanting than in pronouncing with propriety. There are some auditors, too, who, in accordance with their other depraved indulgences, are attracted on all occasions by the expectation of pleasure in listening to something that may soothe their ears. What, then, it may be objected, does not Cicero say* that *there is a sort of scarcely perceptible chanting in oratorical language?* And does not this proceed from an impulse of nature? In answer to this objection, I shall show, a little further on, when and how far this inflexion of the voice, or even chanting, (but *chanting scarcely perceptible*, a term which most of our speakers do not choose to understand,) is admissible.

61. It is now, indeed, time for me to say what delivery *to the purpose* is; and it is certainly such as is adapted to the subjects on which we speak. To produce this quality the thoughts and feelings contribute most; and the voice sounds as it is struck; but as feelings are in some cases sincere, and in others assumed and fictitious, those which are sincere burst forth naturally, as those of persons in grief, in anger, in indignation; yet their expression is void of art, and consequently requires to be formed by precept and method. 62. Feelings, on the contrary, which are assumed by imitation, depend wholly on art, and do not proceed from nature; and, therefore, in representing such feelings, the first requisite is to impress ourselves as much as possible, to conceive lively ideas of things, and to allow ourselves to be moved by them as if they were real; and then the voice, as an intermediate organ, will convey to the minds of the judges that impression which it receives from our own; for the voice is the index of the mind, and has as many variations as the mind itself. 63. Hence, in speaking on cheerful subjects, it flows in a *full* and clear tone, and is itself, as it were, *cheerful;* in argument, it rouses itself with its whole force, and strains, so to speak, every nerve; in anger, it is *fierce*, *rough*, *thick*, and interrupted with frequent respirations for the breath cannot hold long when it is expelled

* Orat. c. 18. "There is also in speaking a sort of concealed singing, not like the peroration of rhetoricians from Phrygia or Caria, which is nearly a chant, but that sort which Demosthenes and Æschines mean when the one reproaches the other with the affected modulation of his voice."

in extraordinary quantities; in throwing odium on persons or things it is *slower*, because it is in general only those on the weaker side that have recourse to such attempts; but in flattering, confessing, apologizing, supplicating, it is *gentle* and *submissive*. 64. The tone of those who persuade, advise, promise, or console, is *grave*. In expressing fear and shame, the tone is *staid;* in exhortation it is *strong;* in dispute, *voluble;* in expressing pity, *tender* and *mournful*, and purposely somewhat weakened. In oratorical digressions the voice is *flowing*, and of a tranquil clearness; in statements of facts, as well as in familiar conversation, it is of an *even* tone, intermediate between the acute and the grave. 65. In expressing the more vehement feelings it *rises;* in uttering those of a calmer nature, it *falls*, and pitches itself, in either case, higher or lower according to the degree of intensity.

But what tones of voice the several parts of speech require, I shall omit to consider at present, that I may first make some remarks on gesture, which must be in concert with the voice, and must, as well as the voice, obey the mind.

How much power gesture has in a speaker, is sufficiently evident from the consideration that it can signify most things even without the aid of words. 66. Not only a movement of the hand, but even a nod, may express our meaning; and such gestures are to the dumb instead of speech. Dancing, too, unaccompanied by the voice, often conveys a meaning, and touches the feelings; the state of a person's mind is seen in his looks and walk; and in the inferior animals, which are destitute of speech, anger, joy, fondness, are discoverable from the glances of their eyes, and other indications from the movements of the body. 67. Nor is it surprising that such signs, which must at any rate depend on motion, make such impression on the mind, when even painting, a voiceless production, and always keeping the same form, penetrates into our innermost feelings, and with such force that it seems at times to surpass the power of words. On the contrary, if our gesture and looks are at variance with our speech; if we utter anything mournful with an air of cheerfulness, or assert anything with an air of denial, not only impressiveness is wanting to our words, but even credibility.

68. *Gracefulness* also lies in gesture and motion; and hence Demosthenes used to study action while looking into

a large mirror;* and though the polished surface made the right side of the body appear the left, he could notwithstanding trust his eyes for the effect which he would be enabled to produce.

In action, as in the whole body, the head holds the chief place, as contributing to produce both the gracefulness which I have just mentioned, and expressiveness. 69. What contributes to gracefulness, is, first of all, that the head be held in a proper and natural position; for, by casting down the head, humility is signified; by throwing it back, haughtiness; by leaning it on one side, languor; by keeping it rigid and unmoved, a certain degree of rudeness. 70. It must receive, in the next place, appropriate motions from the nature of the subject on which we speak, that it may agree with the gesture, and act in conformity with the hands and oscillations of the body; for the face must always be turned in the same direction as the gesture, except in speaking of things which we disapprove, or are unwilling to allow, or regard with aversion; so that we may appear at the same time to express dislike of an object with the look, and to repel it with the hand; as in pronouncing such words as these:

Di, talem avertite pestem!†
Ye gods, such plague avert!

Haud equidem tali me dignor honore,‡
I think myself not worthy of such honour.

71. But the head expresses meaning in various ways; for besides its motions of assenting, refusing, and affirming, it has those of bashfulness, hesitation, admiration, indignation, which are alike known and common to all persons. Yet to gesticulate with the head alone the masters of theatrical attitude regard as a fault. Even frequent nodding with it is thought ungraceful; and to toss it to and fro, and shake and whirl about the hair, are the gestures of frenzied inspiration.

72. But the chief part of the head is the face. With the face we show ourselves suppliant, menacing, soothing, sad, cheerful, proud, humble; on the face men hang as it were, and fix their gaze and entire attention on it, even before we begin to speak,

* Plut. Vit. Dem. c. 7; Apuleius, Apol. p. 87, ed. Gentil
† Æn. iii. 620. ‡ Æn. i. 335.

by the face we express love and hate; from the face we understand numbers of things, and its expression is often equivalent to all the words that we could use. 73. Accordingly in the pieces composed for the stage, the masters in the art of delivery borrow aid for exciting the feelings even from their masks; so that, in tragedy, the mask for the character of Aerope * looks mournful; that for Medea, fierce; that for Ajax, indicates disorder of mind; that for Hercules, boldness; 74. while in comedy, besides other designations by which slaves, procurers, parasites, countrymen, soldiers, courtezans, maid-servants, morose or good-natured old men, careful or extravagant youths, are distinguished one from another, the father, who plays the principal part, has, because he is sometimes in a passion and sometimes calm, a mask with one of the eye-brows raised, and the other lowered, and it is the practice of the actors to turn that side more frequently to the audience which is more in accordance with the part of the character which they are playing.

75. But what is most expressive in the face is the eye, through which the mind chiefly manifests itself; insomuch that the eyes, even while they remain motionless, can sparkle with joy, or contract a gloomy look under sadness. To the eyes, also, nature has given tears, which are the interpreters of our feelings, and which burst forth in grief, or trickle gently down in joy. But when the eyes are in motion, they assume an appearance of eagerness, or disregard, or pride, or sternness, or mildness, or threatening; all which feelings will be manifested in the eyes of an orator, according as his subject shall require. 76. But rigid and distended, languid or torpid, wanton or rolling, they ought never to be; nor should they ever seem to swim or look watery with pleasure, or glance sideways, or appear as it were amorous, or as if they were asking or promising something. As to keeping them shut or compressed in speaking, who would do so but a person utterly ignorant or silly? 77. To aid in producing all these expressions, there is a kind of ministering power situate in the upper and lower eye-lids. 78. Much effect is also produced by the eye-brows; for they in some degree form the look of the

* The daughter of Crateus of Crete, who was violated by her own father, and given to Nauplius to be drowned; but he delivered her to Atreus, by whom she became the mother of Agamemnon and Menelaus.

eyes, and exercise a command over the forehead, which, by their influence, is contracted, raised, or lowered; so that the only thing which has more power over it is the blood, which is moved according to the state of the mind, and, when it acts under a skin easily affected by shame,* mantles into a blush, when it shrinks back through fear, wholly disappears, and leaves the skin cold and pale, but when it is in a calm condition, it spreads over the face that serene hue which holds a middle place between blushing and paleness. 79. It is a fault in the eyebrows, when they are either motionless, or too full of motion, or when they rise and fall unequally, as I observed just now† with respect to those of the comic mask, or when their configuration is at variance with what we are saying; for anger is indicated by the contraction, sadness by the lowering, and cheerfulness by the expansion of them.

80. With the nose and the lips we can scarcely signify anything becomingly; (though derision, contempt, and disdain are often expressed by them;) for *to wrinkle the nose*, as Horace‡ says, to distend it, to move it about, to rub it incessantly with the finger, to expel the air with a sudden snort,§ to stretch open the nostrils frequently,‖ or to push them up with the palm of the hand, is extremely offensive; and even to blow or wipe the nose very often is not unjustly blamed. 81. As to the lips, there is something unbecoming when they are thrust out, or held in, or strongly¶ pressed together, or widely parted, so as to expose the teeth, or drawn back towards each side, perhaps almost to each ear, or screwed up with an air of disdain, or made to hang down, or emit the voice only on one side. To lick and bite them is also unbe-

* *Infirmam verecundiâ cutem.*] Equivalent to *mollem frontem*, vi. 4, 11.

† Sect. 74.

‡ Ep. i. 5, 23. *Ne sordida mappa* Corruget *nares.*

§ *Pulso subito spiritu excutere.*] Such is the reading in Spalding's text. But that of Gesner is much better: *impulsu subito spiritum excutere.*

‖ *Diducere.*] The word will be sufficiently illustrated by Shakspere's line:—

Hold hard the breath, and stretch the nostrils wide.

¶ *Scinduntur.*] The meaning of this word is very doubtful. Werlhoff, Gesner's friend, supposed it to be the opposite to *porriguntur*, which immediately precedes, and to mean, accordingly, the effect which is produced by drawing back the corners of the mouth so as to compress the lips against the front teeth.

coming; and the movement of them even in the formation of our words should be but moderate; for words ought to be formed rather in the mouth than with the lips.

82. The neck ought to be straight, not stiff or thrown back. The throat cannot be drawn down or stretched up without equal ungracefulness, though of different kinds; but uneasiness is attendant on the tension of it, and the voice is weakened and exhausted by it. To sink the chin on the breast renders the voice less distinct, and, as it were, grosser, from the throat being compressed.

83. To shrug or contract the shoulders is very seldom becoming; for the neck is shortened by it; and it begets a mean, servile, and knavish sort of gesture; particularly when men put themselves into postures of adulation, admiration, or fear.

84. A moderate extension of the arm, with the shoulders thrown back, and the fingers opening as the hand advances, is a kind of gesture excellently adapted to continuous and smoothly-flowing passages. But when anything finer or fuller than ordinary is to be expressed, as, *Rocks and deserts respond to the voice of the poet*,* it moves towards the side, and the words and the gesture, if I may so express myself, expand themselves together.

85. As to the hands, without the aid of which all delivery would be deficient and weak, it can scarcely be told of what a variety of motions they are susceptible, since they almost equal in expression the powers of language itself; for other parts of the body assist the speaker, but these, I may almost say, speak themselves. 86. With our hands we ask, promise, call persons to us and send them away, threaten, supplicate, intimate dislike or fear; with our hands we signify joy, grief, doubt, acknowledgment, penitence, and indicate measure, quantity, number, and time. 87. Have not our hands the power of inciting, of restraining, of beseeching, of testifying approbation, admiration, and shame? Do they not, in pointing out places and persons, discharge the duty of adverbs and pronouns? So that amidst the great diversity of tongues pervading all nations and people, the language of the hands appears to be a language common to all men.

88. The gestures of which I have hitherto spoken naturally

* Cicero pro Arch. c. 8.

proceed from us with our words; but there are others that signify things by imitation; as when, for example, we intimate that a person is sick, by imitating the action of a physician feeling the pulse, or that a person is a musician, by putting our hands into the position of those of one playing the lyre; a species of imitation which ought to be carefully avoided in oratory; 89. for an orator ought to be a very different character from an actor in pantomime, as his gesture should be suited rather to his sense than to his words;* a principle which was observed even by the more respectable class of actors. Though I would allow a speaker, therefore, to direct his hand towards his body when he is speaking of himself, or to stretch it towards a person to point him out, and to use some other gestures of this sort, yet I would not permit him to represent attitudes, and to exemplify whatever he says by action. 90. Nor is this to be observed in reference to the hands alone, but to every kind of gesture, and even to the tone of the voice; for neither in pronouncing the period *Stetit soleatus prætor populi Romani*,† "The prætor of the Roman people, with sandals, stood," &c., must the stooping of Verres, as he leaned on the woman, be imitated, nor, in delivering the words *Cædebatur in medio foro Messanæ*,‡ "He was scourged in the middle of the market-place of Messana," is a tortuous motion of the body, like that of a man under the lash, to be assumed, or the voice to be forced out like that of a man compelled to cry with pain. 91. Even players seem to me to act very injudiciously, who, though representing the part of a young man, yet when, in a narrative, either the speech of an old man, as in the prologue to the *Hydria*, or that of a woman, as in the *Georgus*,§ has to be repeated, pronounce it with a tremulous or effeminate tone of voice Thus there may even be objectionable imitation in those whose whole art consists in imitation.

92. But, with regard to the hand, that gesture is most common, in which the middle finger is drawn in towards the

* He should not attempt to exemplify particular words, but should adapt his gestures to the general sense of what he is saying.

† Cic. in Verr. v. 33. Comp. viii. 3, 64. ‡ Cic. in Verr. v. 62.

§ The "Water-pitcher" and the "Husbandman," names of two comedies of Menander, which, says Gesner, might perhaps have been translated into Latin.

thumb, the other three fingers being open ;* it is suitable for exordia, moderately exerted, and with a gentle movement of the hand in either direction, while the head and shoulders bend almost imperceptibly towards that quarter to which the hand is stretched. In statements of facts it adds confirmation,† but must then be somewhat more decided ; in invective and refutation it must be spirited and impressive, for it may be exerted in such parts with more freedom and boldness. 93. But the middle finger‡ is very often improperly directed towards the side, as if aiming at the left shoulder ; and some speakers, with even still worse effect, extend the arm across their chest, and speak over their elbow. The two middle fingers are also sometimes brought under the thumb, and this gesture is still more earnest than the former, and is accordingly unsuitable for exordium or narrative. 94. But when three fingers are compressed under the thumb, the finger which Cicero says that Crassus used with such excellent effect,§ is then fully extended. This finger has great effect in invective and demonstration, whence it has its name,‖ and being a little brought down, after the hand has been raised towards the shoulder, it affirms ; directed towards the ground, and lowered at the point, it insists ; sometimes it indicates number.¶ 95 The same finger, when its lowest joint is lightly pressed on each side,** with the two next fingers moderately bent, and the little one the less bent of the two, forms a gesture adapted for discussion. Yet those appear to argue more spiritedly, who hold rather the middle joint,†† the two outside fingers being

* The reader is not to suppose, says Spalding, that the middle finger grasps the thumb, but that the forefinger lies partly on the top of the middle finger, which approaches or just touches the thumb. But this configuration of the hand, he adds, seems rather strange to us.

† *In narrando certus.*] A gesture that seems to say that the speaker has no doubt of the truth of what he is saying.

‡ *Idem.*] I consider *idem* to mean *medius digitus.*

§ De Orat. ii. 45. "Such power of mind, such impetuosity, such passion, is expressed in your eyes, your countenance, your gesture, and even in your very finger."

‖ *Indicando, unde ei nomen est.*] It was called by the Romans the *index digitus.*

¶ *Aliquando pro numero est.*] Number one, as Buttmann thinks ; not thirty, as Regius and Turnebus fancied.

** By the thumb and middle finger of the same hand.

†† Pressing the thumb strongly on the middle joint of the forefinger,

contracted in proportion as the others fall lower. 96. It is a gesture also very suitable for modest language, when the hand, its first four fingers being slightly curved at the extremity, is drawn in towards the body, not far from the chin or the breast, and then descending, and gradually moved back from the body, is spread open. 97. With this gesture I conceive that Demosthenes commenced his modest and submissive exordium in the speech for Ctesiphon; and I imagine that Cicero's hand was in this attitude when he uttered the words, *If there be any ability in me, judges, and I am sensible how little there is*,* &c. The hand is also sometimes drawn back towards us somewhat more quickly, with the fingers inclining downwards, and is expanded more freely as it is moved in the opposite direction, so that it seems itself, in a manner, to utter words.† 98. Sometimes we hold the two first fingers apart, without, however, inserting the thumb between them, but with the two lower fingers slightly curved inwards, and the two upper ones not quite straightened. 99. Sometimes the two outside fingers press the palm of the hand near the root of the thumb, which it unites with the two first fingers at the middle joint; sometimes the little finger is suffered to bend down obliquely, sometimes, by relaxing rather than stretching the other four, and inclining the thumb inwards, we put the hand into a form suited for waving expressively from side to side, or marking distinctly what we say, it being moved upwards toward the left side and downwards toward the right. 100. There are also gestures of the hand taking less compass, as when, being gently curved, like that of persons protesting,‡ it is moved backwards and forwards at short intervals, the shoulders moving slightly in concert with it; a gesture admirably adapted to those who speak with reserve and timidity. A gesture suited to express admiration, is that in which the hand moderately raised, and with each of the fingers curved, is

* Cic. pro Arch. c. 1. Whether it be that our northern climate makes us of a colder temperament, or that the present age of the world is calmer or more sluggish, certain it is that some of the gestures described by Quintilian seem to be quite unsuitable to us. *Gesner.*

† As it is opened and expanded towards the audience, says Gesner, the words seem to proceed from it.

‡ *Voventium.*] Not *vowing* as at a religious ceremony, but declaring or protesting as in common conversation. *Gesner.*

opened and slightly shut alternately.* 101. In asking questions we use gestures of more kinds than one; generally, however, turning the hand towards the person addressed, whatever be the form into which it is put. When the finger next to the thumb touches with its own tip the middle of the thumb nail, a part where they readily meet,† the other fingers being at the same time unbent, it is a gesture becoming to speakers alike when expressing approbation, or narrating, or making distinctions. 102. Not unlike this is the gesture which the Greeks frequently use, even with both hands, but with the three outside fingers compressed, whenever they round, as it were, their enthymemes with action.‡ The hand

* *Quo manus modicè supinata, ac per singulos à minimo collecta digitos, redeunte flexu simul explicatur atque convertitur.*] I have found nobody that would describe this gesture, as we ought to conceive it in the mind. The passage was too plain, forsooth, in the opinion of the commentators, to require any explanation. For my own part, I cannot understand it at all, not knowing, in the first place, what is meant by *manus per singulos collecta digitos*. Are we to understand that the fingers are bent gradually, in the sight of the audience, in such a way that the little finger may first touch the fourth, and then the fourth the third, and so on? He that looks into Gedoyn's version, will see that he has used great licence, and yet not produced anything clear. Comp. sect. 105. *Spalding.* I will let the reader see Gedoyn's translation of the passage: La main élevée à une certain hauteur, forme avec ses cinq doigts une manière de cercle; puis elle s'ouvre et se retourne tout d'un tems en dehors, pendant que les bras, de plié qu'il étoit, s'alonge et se déploie. Doubtless the tips of the fingers, when the hand is held up in a gesture of admiration, form part *of a sort of circle*, but this is no interpretation of *per singulos collecta digitos*, for which I indeed give something in my translation, but do not pretend to give anything equivalent. *Redeunte flexu* appears to be the same as "alternately." I wonder that Gesner should have passed the passage quite unnoticed.

† *Mediumque, quà dexter est, unguem pollicis summo suo jungens.*] Spalding is as much at a loss with regard to this passage as to the one on which I have just cited him. He is displeased with the commentators for leaving it unnoticed, and angry with himself for excogitating no explanation; and, after some attempts, leaves it to the acumen of some succeeding critic. The words *quà dexter est*, he particularly regards as unsound, but inquires whether *gestus* may possibly be understood with *dexter*. Gedoyn has *un geste qui a de la grace.*

‡ *Enthymemata sua gestu velut corrotundant.*] In the enthymeme there is a conclusion, or connexion of the end with the beginning, which the Greeks signified by a circle formed by the union of the tip of the thumb with the tip of the forefinger. . . . . Thus we find

thrown out gently* promises and declares assent; moved more quickly, it is a gesture of exhortation, or sometimes of praise There is also the gesture, rather natural than artificial, used by a person enforcing his words, when he shuts and opens his hand alternately and rapidly. 103. There is the gesture, too, of exhortation, as it were, when the hand is presented in a hollow form, with the fingers apart,† and raised, with some spirit, above the top of the shoulder. But the tremulous movement of the hand in this position, which has been almost generally adopted in foreign schools,‡ is too theatrical. Why some should be displeased with the turning of the fingers, with the tips of them close together, towards our body, I do not know; for it is a gesture which we use when we manifest a slight degree of wonder, or sometimes in sudden indignation, when we express fear or deprecation. 104. We also, in repentance or anger, press the hand tightly on the breast, when a few words expressed between the teeth are not unbecoming, as *what shall I now do? What would you do?* To point to a person with the thumb turned back I regard as a gesture more common than becoming in speakers.

105 But as all motion is considered to be of six kinds,§ and the circular motion, which returns on itself, may be regarded as a seventh, the last alone, in respect to gesture, is objectionable; five of the others are very fitly used in pointing out what is before us, on the right or left hand, or above or

στρογγύλα ῥήματα, Aristoph. Acharn. 686; and *Curvum sermone rotato Torqueat enthymema,* Juv. vi. 449. *Gesner.*

* *Cæsim manus lenior promittit et assentatur.*] *Cæsim* in the old editions, before that of Gesner, was joined with the preceding sentence; perhaps it is better in its present position; but it is not easy to settle what sense can well be given to it. Gesner says *Cæsim,* hoc est, *extrorsum projectâ manu* promittimus. To this explanation Spalding, though not satisfied with it, yields a kind of acquiescence.

† *Rara.*] Intelligo *raram manum,* in quâ divaricantur aliquantum digiti. *Gesner.*

‡ *A peregrinis scholis prope recepta.*] Whether by this phrase is meant that the schools received the gesture from others, or that the Roman orators received it from the schools, I cannot venture to affirm; but I suppose that the former is intended, as, in the latter case, the word *accepta* would rather have been used. Gallæus thinks that the schools in the provinces are meant, and I agree with him, unless indeed Quintilian alludes to the Greek schools at Rome. *Spalding.*

§ Forwards and backwards, upwards and downwards, to the right hand and to the left. *Turnebus.*

below; to what is behind us, indeed, our gesture is never properly directed, though it sometimes has, as it were, a backward movement.

106. As to the motion of the hand, it commences, with very good effect, on the left, and stops on the right; but the hand ought to stop so that it may appear to be laid down, not to strike against anything; though, at the end of a phrase, the hand may sometimes sink, but so as soon to raise itself again; and it sometimes even rebounds, as it were, when we enforce a denial or express wonder. In regard to this point the old masters of delivery have very properly added a direction that *the movement of the hand should begin and end with the sense;* otherwise the gesture will either precede the sense, or will fall behind it; and propriety is violated in either case. 107. But they fell into too much nicety when they made it a rule that there should be an interval of three words between each movement of the hand; a rule which is neither observed nor can be observed; but they meant, it appears, that there ought to be some sort of standard for slowness or quickness, justly desiring that the hand should neither be too long inactive, nor disturb* the speech (as is the practice of many orators) by perpetual motion. 108. There is, however, another fault, which is committed more frequently, and is more likely to become imperceptibly habitual. There are certain slight percussions† in our language, certain feet, I might almost say, in conformity with which the gesture of very many of our speakers is regulated. Thus, in the following period, *Novum crimen, C. Cæsar, et ante hanc diem non auditum, propinquus meus ad te Quintus Tubero detulit,*‡ they make one gesture at *novum crimen*, a second at *C. Cæsar*, a third at *ante hanc diem*, a fourth at *non auditum*, a fifth at *propinquus meus*, another at *ad te*, another at *Q. Tubero*, and another at *detulit*. 109. From this practice originates a bad habit among young men, that, when they write, they meditate all their gestures before-hand, and settle in their minds how their hand shall wave when they speak. Hence arises, too, another inconvenience, that the movement of the hand, which ought to terminate on the

* Spalding's text has *concideret*, but he acknowledges that we ought to read with Regius *concederet*.

† See ix. 4, 15, 75.

‡ Cic. pro Ligar. init.

right, will often come to a stop on the left.* 110. It is therefore a better method, as there are in every period short phrases, at the close of each of which we may, if we please, take breath, to regulate our gesture in conformity with them; for example, the words *Novum crimen, C. Cæsar*, have a kind of complete sense in themselves, as a conjunction follows; and the succeeding phrase, *et ante hanc diem non auditum*, is sufficiently complete; and to these phrases the movement of the hand should conform, especially at the commencement, when the manner is calm. 111. But when increasing warmth has given it animation, the gesture will become more spirited in proportion to the ardour of the language. But though in some passages a rapid pronunciation will be proper, in others a staid manner will be preferable. On some parts we touch but slightly, throw together our remarks upon them, and hasten forward;† in others we insist, inculcate, impress. But slowness in delivery is better suited to the pathetic; and hence it was that Roscius was inclined to quickness of manner, Æsopus to gravity, the one acting in comedy and the other in tragedy 112. The same observation is to be made with regard to the motion of the body; and accordingly, on the stage, the walk of men in the prime of life, of old men, of military characters, and of matrons, is slow; while male or female slaves, parasites, and fishermen,‡ move with greater agility.

But the masters of the art of gesture will not allow the hand to be raised above the eyes, or to fall lower than the breast; and consequently it must be thought in the highest degree objectionable to lift it to the crown of the head,§ or to bring it down to the bottom of the belly. 113. It may be advanced as far as the left shoulder, but should never go beyond it. But when, in expressing aversion, we drive as it

* If a speaker determines to make a certain number of percussions with his hand in pronouncing a period, he will sometimes terminate the period with a movement of his hand to the left. *Turnebus.*

† The word *abundamus*, which occurs before *festinamus*, should, as Spalding observes, be omitted.

‡ *Piscatores.*] Why fishermen should be characterized as moving with particular agility, compared with other persons in the lower class of life, I do not know. The commentators say nothing.

§ *A capite eam petere.*] "On peut juger s'il est permis de l'elever (sc. la main) jusq' à la hauteur de la tête." *Gedoyn.* Spalding is inclined to read *à capite gestum repetere.*

were our hand to the left, the left shoulder should, at the same time, be advanced, that it may move in concert with the head as it inclines to the right.

114. The left hand never properly performs a gesture alone; but it frequently acts in agreement with the right, either when we enumerate our arguments on our fingers, or when we express detestation by turning our palms towards the left, or presenting them straight before us, or spread them out on either side. 115. But such gestures are all of different import; as, in an attitude of apology or supplication, we lower the hands; in adoration we raise them; and, in any apostrophe or invocation, we stretch them out; a gesture which we should adopt in pronouncing *Ye Alban hills and groves*, &c.,* or the exclamation of Gracchus, *Whither, wretched that I am, shall I flee? To the Capitol, to see my brother's blood? Or to my home*, &c.† 116. In such cases the hands acting in concert ‡ express most feeling; stretched out but a short distance when we speak on inconsiderable, grave, or tranquil subjects, but extended to a greater distance when we treat of such as are important, exhilarating, or awful.

117. Some remarks or faults in the management of the hands must be added; at least on such faults as are incident to experienced speakers; for as to the gestures of asking for a cup, or threatening to use a scourge, or forming the number five hundred by bending the thumb,§ I, though they are noticed by some writers, have never seen them even in uneducated speakers. 118. But the exposure of the side by the extension of the arm, the practice that one speaker has of

* Cic. pro Mil. c. 31. † Cited by Cicero de Orat. iii. 56.

‡ *Junctæ manus.*] Beware of understanding *hands clasped together*, a gesture which would be quite at variance with those previously mentioned. What Quintilian means is, that the two hands should correspond in gesture, a point on which he began to give directions in sect. 114. *Spalding.*

§ The mode of forming this number is thus described by the Venerable Bede: "When you express fifty, you will turn your thumb, bent at the lower joint, so as to resemble the Greek Γ, towards the palm of your hand; and by doing this with the right hand you will represent five hundred, and by doing it with the left you represent fifty." With this Nic. Smyrnæus assents, as may be seen in the Spicilegium Evang. of Pet. Possinus, as well as in Fabricius, p. 166, *seq.* Gesner. See Fabr. B. G. vol. vii. p. 770, not. Harl. vol. viii. p. 674. *Spalding.*

forbearing to move his arm from his bosom, that which another has of stretching it out to its utmost length, or of raising it to the roof, or of continuing the movement of it beyond his left shoulder, and striking out towards his back in such a way that it is dangerous to stand behind him, or of making a large sweep with the left hand, or of throwing the hands about at random so as to strike the persons nearest, or of thumping the elbows against the sides, are things, I know, of frequent occurrence. 119. The hand of some speakers is indolent, or moves with tremor, or appears to be sawing the air, or is pressed on the head with the fingers bent, or turned up and tossed on high.* That gesture is also affected by some, in which the *Pacificator* is represented by statuaries, who, with his head inclined over his right shoulder, and his arm stretched out on a level with his ear, spreads forth his hand with the thumb bent down;† a gesture which is in great favour with those who boast that they speak *sublatâ manu*, "with uplifted hand."‡ 120. We may notice also those who dart forth smart thoughts with a wave of their fingers, or make denunciations with the hand raised; or who, whenever they are pleased with what they say, elevate themselves on tip-toe; a gesture which is sometimes allowable, but they make it reprehensible by pointing their finger, or two fingers, as high as they can into the air, or putting both their hands into the position of those of a person carrying a weight on his head.

121. To these faults may be added such as arise, not from nature, but from trepidation of mind; for instance, to feel discontented with ourselves at a difficulty§ in pronunciation; to

* The word *manu* before *supinata* in the text should be omitted, as Buttmann remarks.

† *Infesto pollice.*] This gesture I have not myself noticed as common in statues, nor do I remember having seen it mentioned in writers. *Spalding.* On finding this remark made by Spalding, I consulted persons well acquainted with ancient art on the subject, but they had no recollection of having seen statues in such a position. They reminded me, however, that many ancient statues had been destroyed, and many injured in the hands. *Buttmann. Infestus pollex*, he adds, was said in allusion to the gladiators, who, when vanquished, were sentenced to death by the thumbs of the spectators being pressed down, or saved by their thumbs being held up. ‡ See ii. 12, 9.

§ *Ore concurrente rixari.*] *Os concurrens* is a mouth that refuses to utter what we would say. See sect. 56, and x. 7, 8. *Rixari cum ore* is to be in passion with the mouth, or to make desperate efforts to overcome the difficulty of utterance.

make a sound, if our memory fails, or if thought refuses to assist us, as if something were sticking in the throat; to rub the point of the nose; to walk about before bringing a passage to a conclusion; to make a sudden stop, and to court applause by silence; but to specify all such faults would be an infinite task; for every speaker has his own.

122. We must take care, especially, that the breast and stomach be not too much protruded; for such an attitude bends the back inwards; and, besides, all bending backwards is offensive. The sides must conform to the gesture of the rest of the body; for the movements of the whole body are of great importance; insomuch that Cicero thinks that more effect is produced by them than even by the motion of the hands; for he says in his *Orator*,* *There will be*, in a consummate speaker, *no affected motions of the fingers, no fall of the fingers to suit the cadences of the language, but he will rather produce gestures by the movements of his whole body, and a manly inclination of his side.*

123. To strike the thigh, a gesture which Cleon is supposed to have first practised at Athens, is not only common, but suits the expression of indignant feeling, and excites the attention of the audience. Cicero complained of the absence of it in Calidius; *there was no striking of his forehead*, he says, *nor his thigh.*† With regard to the forehead, however I would, if it be allowable, dissent from Cicero; since to strike even the hands together,‡ or to beat the breast, is suitable only to the stage.

124. To touch the breast with the tips of the fingers bent inwards is a gesture that becomes us but seldom, as when we express ourselves in a tone of exhortation, or reproach, or commiseration; and whenever we adopt such a gesture, it will not be improper to draw back the toga from the breast.

In regard to the feet, we must observe *how we place* and *how we move them.* To stand with the right foot advanced, and to advance at the same time the hand and foot on the same side, is ungraceful. 125. It is sometimes allowable to rest on the right foot, but this must be done without any inclination of the rest of the body; and the attitude is rather

* C. 18. † Brut. c. 80. Comp. x. 1. 23.

‡ Which is a much less vehement gesture than to strike the forehead. *Spalding.*

that of an actor, than of an orator. When speakers stand on the left foot, the right can neither be becomingly lifted up, nor rested on tip-toe. To stretch the legs very widely apart, is unbecoming even if we but stand in that position, and to walk in it is highly indecent. 126. To step forwards is not improper, if the movement be brief, moderate in quickness, and not too frequent. To walk a few steps will not be unsuitable at times, on account of the extraordinary time occupied in applauding; but Cicero approves only of such walking as is very rare and very short.* But to run hither and thither, and, as Domitius Afer said of Mallius Sura,† *to overdo our business*, is most absurd; and Flavius Virginius‡ wittily asked a rival professor, who had this habit, *how many miles he had declaimed.*

127. It is also a general rule, I know, that we should not, as we walk, turn our backs on the judges, but that the inside part of our foot should be constantly presented to the tribunal as we look towards it. This rule cannot always be observed on private trials; but there the space is more confined, and we cannot turn our backs on the judges long. We may at times, however, draw back by degrees. Some speakers even leap back, an act in the highest degree ridiculous.

128. To stamp with the foot, though not improper occasionally, and especially, as Cicero says,§ *at the beginning or end of a spirited argument*, yet, if practised too often, is a proof of silliness in the speaker, and ceases to attract the judge's attention. Swaying from right to left, too, in speakers who balance themselves alternately on either foot, is unbecoming. But what is most of all to be avoided is an effeminate kind of gesture, such as Cicero‖ says was used by Titius, from whom also a kind of dance was called *Titius*. 129 Frequent and rapid oscillation, also, from one side to the other, is objectionable; a habit at which Julius laughed in Curio the father, by asking *who it was that was speaking in the boat;*¶ and Sicinius made a similar jest upon him; for when Curio had been violently tossing himself about, according to his custom, while Octavius, who was his colleague in the consulship, was sitting by, and who from ill health, was

* Orat. c. 18. † See vi. 3, 54. ‡ VIII. 3, 33.
§ De Orat. iii. 49. ‖ Brut. c. 62.
¶ This and the following anecdote come from Cicero Brut. c. 60.

bandaged and covered with a vast quantity of medicated plasters, Sicinius said, *You can never, Octavius, feel sufficiently grateful to your colleague, for, if he had not been near you, the flies would have devoured you to-day where you sat.*

130. The shoulders are sometimes disagreeably shrugged up; a fault which Demosthenes * is said to have corrected in himself by standing, while he spoke, in a narrow kind of pulpit, with a spear hanging down over his shoulder, so that if, in the warmth of speaking, that gesture escaped him, he might be reminded of it by a puncture from the weapon.

It is allowable to walk about while speaking, only when, in public causes, where there are several judges, we wish to impress what we say on each individually. 131. But there is an intolerable practice in which some speakers indulge, who, having thrown back their gown over the shoulder, and drawn up the lower part of it in a fold to their loins with their right hand, walk about and harangue while gesticulating with the left hand; when even to draw the gown up on the left side, and stretch out the right hand far, is offensive. Hence I am reminded not to omit remarking that it is a very foolish practice when speakers, during the time occupied by applauses, whisper in a neighbour's ear, or jest with their associates, or sometimes look back to their clerks, as if telling them to note down some gratuity for those who were loudest in their approbation.

132. To incline a little towards the judge when you are stating a case to him, if the matter on which you are speaking be somewhat obscure, is permissible. But to bend far forward towards the advocate on the opposite benches, is ill-mannered; and for a speaker to fall back among his friends, and to be supported in their arms, unless from real and evident fatigue, is foppish; as it is also to be prompted, or to read, as if he were forgetful; for, by all such practices, the force of eloquence is relaxed, and the ardour cooled, while the judge will think that too little respect is paid him.

133. To cross over to the opposite seats, is by no means becoming; and Cassius Severus facetiously proposed that barriers† should be erected to restrain a speaker who was guilty

* Related by Libanius in his Life of Demosthenes. *Philander.*

† *Lineas.*] Such *lineæ*, says Gesner, as were in the amphitheatres, made of iron, to separate the rows of seats.

of this habit. If, indeed, an orator sometimes starts forward with a spirited effort, he is always sure to return with very poor effect.

134. But many of the directions which I am giving must be modified by those who plead before tribunals;* for there the countenance must be more elevated, that it may be fixed on him who is addressed; the gesture, which is directed towards him, must also be more erect; and there are other particulars to be observed, which will occur to all without any mention of them on my part. Modifications must also be made by those who plead sitting, as is generally the case in unimportant causes, when there cannot be the same energy of manner. 135. Some offences against gracefulness must also be committed through necessity; for, as the speaker sits on the left hand of the judge, he will be obliged to advance his right foot; and much of his action must be transferred, as it were, from the right side to the left, that it may be directed towards the judge. Some sitters, however, I see start up at the conclusion of every period or division of their speech, and some occasionally take even a little walk. Whether such practices are becoming, they may consider; but when they indulge in them, they do not plead sitting. 136. To *eat* or *drink*, as was formerly the custom with many, and is now with some, must be abjured by the orator whom I am desirous to form; for if a speaker cannot support the fatigue of pleading without having recourse to such aid, it will be no great loss if he does not plead at all, and it will be much better for him than to show such contempt for his profession and his audience.

137. As to dress, the orator has no peculiar habit, but what he wears is more observed than that of other men; and it should therefore be, like that of all other persons of note, elegant and manly; for the fashion of the gown, and the shoes, and the hair, is as reprehensible for too much care as for too great negligence. Some importance, indeed, is attached to dress; and it undergoes considerable changes under the influence of time; for the ancients had no folds† to the toga,

* *Apud tribunalia.*] As distinct from the *subsellia.* "The *subsellia* were for the tribunes, triumvirs, quæstors, and such as tried inferior causes, who did not sit on *sellæ curules*, or *tribunalia*, but on *subsellia*." Ascon Ped. in Cic. Div. in Verr. p. 34.

† *Nam veteribus nulli sinus.*] The word *sinus* seems to have signified

and for some time after they were introduced they were but very small. 138. Accordingly they must have used at the commencement* of their speeches, a kind of gesture different from ours, as their arm,† like that of the Greeks,‡ was confined within the garment. But I am speaking of the present mode. A speaker who has not the right of wearing the *latus clavus*,§ should be apparelled in such a way that his tunic may fall, with its front skirts, a little below the knee, and, with those behind, to the middle of the thigh; for to drop them lower belongs to women, and to draw them up higher to soldiers. 139. To see that the purple ‖ falls properly, is but a minor object of care, but negligence in that respect is sometimes censured. Of those who wear the *latus clavus*, the fashion is to let it descend a little lower than those which are girt.¶ The gown itself I should wish to be round, and cut so as to fit well; for, if not, it will be out of shape in various ways. The forepart of it falls only, in the best fashion, to the middle of the leg; the hinder part should be as much above the hem of the tunic as the front falls below it. 140. The

originally a fold over the bosom, but was afterwards used in a more extended sense. It was an excrescence on the primitive toga, as Quintilian observes. The difference in the toga with and without a *sinus* may be best understood by imagining what it would be, as we see it represented in ancient statues, if deprived of a large portion of its folds. In the later times of the toga, the folds were very numerous and complicated. See Smith's Dict. of Gr. and Rom. Ant. art. Toga.

* The difference was only at the commencement, for, as they proceeded, the narrowness of the toga would be no hindrance to their gesture, since, when they became extremely animated, they threw the toga back over the shoulders. See sect. 144, 145, 149. *Spalding.*

† Cicero, in his speech for Cælius, c. 5, observes that young speakers were expected to confine the arm within the toga for a year; and Seneca, Controv. v. 6, makes a similar remark.

‡ Gesner refers to Æschines in Timarch. p. 174, B, where it is said that the old Greek orators, as Pericles, Themistocles, and Aristides, would have thought it presumptuous and audacious to stretch out the arm in the manner of the modern speakers.

§ The *latus clavus* was a broad strip of purple hanging down from the neck over the breast of the tunic, and worn exclusively by those of senatorial rank. *Latum demisit pectore clavum*, Hor. Sat. i. 6, 28. The *angustus clavus* belonged to the equestrian order. See Dr Smith's Dict. of Gr. and Rom. Ant. art. Clavus Latus.

‖ The *clavus*.

¶ *Cinctis.*] The *angustus clavus* appears to have been confined by the girdle; the *latus clavus* to have hung loose.

fold is most graceful when it falls somewhat above the bottom of the toga; certainly it should never fall below it. That fold which is passed under the right shoulder across to the left, like a belt, should neither be tight round the body nor hang very loose; and that part of the toga which is put on last* should fall something lower, for thus it will sit better and be kept in its place. Some portion of the tunic should also be drawn up, that it may not fall on the arm of the orator while he is speaking; and a fold should be thrown over the shoulder, the outer edge of which it will not be unbecoming to throw back. 141. But the shoulder and the whole of the throat ought not to be covered, else the dress will become too narrow, and lose the dignity which consists in width of chest. The left arm should be only so far raised as to form a right angle,† over which the edge of the toga should fall equally low on each side. 142. The hand is not to be loaded with rings, especially such as do not pass the middle joint; and the best attitude for the hand will be when the thumb is raised and the fingers slightly bent, unless it hold a memorandum book, a practice which should not be much affected, for it seems to imply a distrust of the memory, and is an impediment to much of the gesture.

143. Our forefathers allowed the toga to fall, as the Greeks allow their pallium, down to the feet; and Plotius and Nigidius, who wrote of gesture in those days, recommended that fashion of wearing it. I am, therefore, the more surprised at the opinion of so learned a man as Plinius Secundus, who, even in a book in which he has been almost too scrupulous‡ in his researches, states that Cicero used to let his toga fall so low in order to conceal the varicose veins in his legs,§ notwithstanding this fashion of wearing the toga is seen in the statues of persons who lived after Cicero's time. 144. The use of the short cloak,‖ of bandages in which the legs are

* What part this was, is uncertain; perhaps that which was thrown over the left shoulder. See Dr. Smith's Dict.

† So that the lacertus and the fore arm may form a right angle. *Spalding.*

‡ Quintilian doubtless means the book which was entitled *Studiosus.* Spalding. Or *Studiosi.* See Plin. Ep. v. 5; Aul. Gell. ix. 16. Quint. iii. 1, 21.

§ Dion Cassius has put this charge into the mouth of his Fusius Calenus, b xlvi. p 461 ed. Reim. *Spalding.*

‖ *Palliolum.*] It was used for covering the heads of those who were Ovid. A. Am. i. 733; Sen. Quæst. Nat. iv. extr. *Gesner.*

wrapped, of mufflers for the throat, and of coverings for the ears, nothing but ill health can excuse.

But this strict regard to dress can be paid only at the beginning of a speech, for, as we proceed, and almost at the very commencement of the statement of the case, the fold of the robe very properly falls, as of itself, from the shoulder; and when we come to argument and moral considerations, it will not be amiss to throw back the toga from the left shoulder, and to pull down the fold if it happens to hang. 145. The left side* we may also draw down from the throat and the upper part of the breast, for we are then all ardour; and as the voice grows more energetic and varied in tone, the dress may also assume an air of combativeness. 146. Though, therefore, to wrap the toga round the left hand, or to make a girdle of it, makes an orator look like a madman; and though to throw back the fold of the robe from the bottom over the right shoulder, indicates effeminacy and delicacy, (and even grosser faults than these are committed,) yet why may we not draw up the looser part of the dress under the left arm, for it is an attitude that has something of spirit and vivacity not unsuited to warm and animated pleading? 147. But when the greater part of our speech has been delivered, and success seems to attend us, scarcely any sort of gesture is unbecoming; perspiration and weariness, and disorder of dress, with the toga loose and falling off as it were on every side, are regarded without censure. 148. I cannot but wonder the more, therefore, that it should have entered the mind of Pliny to direct, that the forehead should be wiped with the handkerchief in such a manner that the hair should not be discomposed, when, a little afterwards, he forbids earnestly and severely, as became him, that any pains should be taken in arranging the hair. To me disordered hair seems to indicate strong feeling, and the appearance of the speaker seems to be set off by his very inattention to the condition of it. 149. But if the toga falls from a speaker when he is only beginning, or has made but little progress in his oration, neglect to readjust it would be a proof either of extreme carelessness, or of laziness, or of ignorance how an orator ought to be dressed.

Such are the excellences, and such the faults, that may be shown in delivery; and the orator, after these have been set before him, has many other things to consider.

* *Læva.*] Lævam togæ partem. *Gesner*

150. In the first place, he has to reflect *in what character he himself appears*, and *to whom*, and *in whose presence*, he is going to speak; for it is more allowable to say or do some things than others in addressing certain persons, or before certain audiences; and the same peculiarities in tone, gesture, and walk, are not equally becoming before a sovereign, before the senate, before the people, and before magistrates, or on a private as on a public trial, in a simple representation as in a formal pleading. Such distinctions, every one who directs his attention to the subject, can conceive for himself.

151. He has then to consider on what subject he is to speak, and what object he desires to effect. As to the subject, four points are to be regarded; *one*, with reference to the whole cause, for causes may be either of a mournful or an amusing nature, dangerous or safe, important or inconsiderable; so that we should never be so occupied with particular portions of a cause as to forget the general character of it. 152. The *second*, with respect to the different divisions of a cause, as the exordium, the statement of facts, the arguments, and the peroration. The *third*, with regard to the thoughts, where everything is varied in conformity with the matter and the addresses to the feelings. The *fourth*, with reference to the words, in which, though imitation, if we try to make the sound everywhere correspond to the sense,* is reprehensible, yet, unless the proper force be given to some words, the sense of the whole would be destroyed.

153. In panegyrics, then, unless they be funeral orations, in giving thanks, in exhortations, and in subjects of a similar nature, our action should be animated, or grand, or sublime. In funeral orations, speeches of consolation, and the greater part of criminal causes, the gesture should be grave and staid. In addressing the senate gravity should be observed; in speaking to the people, dignity; and in pleading private causes, moderation. Of the several divisions of a cause, and of the thoughts and language, which are of varied character, I must speak at greater length.

154. Delivery ought to exhibit three qualities; it should *conciliate*, *persuade*, and *move*; and *to please* will be a quality that naturally combines itself with these. *Conciliation* is

* For instance, if we pronounce *latro*, "robber." in a loud and vehement tone. *Turnebus.* See sect. 175.

produced either by fairness of moral character, which manifests itself, I know not how, even in the tone and in the gesture, or by agreeableness of language. Persuasion depends greatly on assertion, which sometimes has more effect than even proof itself. 155. *Would those statements*, says Cicero * to Calidius, *have been delivered by you in such a way, if they had been true?* and, *So far were you from inflaming our passions, that we could scarcely abstain from sleep in that passage.* Let confidence, therefore, and firmness, be apparent in an orator's manner, at least if he has authority to support it. 156. The art of *moving* lies either in the manifestation of our own feelings, or imitation of those others.

When the judge, therefore, in a private cause, or the herald in a public one, calls upon us to speak, we must rise with calmness; and we may then delay a little to settle our toga, or, if necessary, to throw it on afresh, in order that our dress may be more becoming, and that we may have some moments for reflection; though this can be done only on ordinary trials, for before the emperor,† the magistrates, or the supreme tribunals, it will not be possible. 157. Even when we have turned towards the judge, and the prætor, being consulted, has granted us leave to speak, we must not burst forth suddenly, but allow a short space for recollection; for preparation on the part of him who is going to speak is extremely pleasing to him who is going to hear; and the judge naturally composes himself for attention. 158. This instruction Homer ‡ gives us in the example of Ulysses, whom he represents as *standing with his eyes fixed on the ground, and his sceptre unmoved, before he poured forth that storm of eloquence.* In such a pause, there may be, as the players observe, certain not unbecoming pretexts for delay, such as to stroke the head, to look down at the hand, to crack the joints of the fingers,§ to pretend to make an effort, to betray anxiety by a sigh, or whatever other gesture may suit the speaker; and we may con-

* Brut. c. 80.

† When the orator stands awaiting his nod, in order to begin at once. *Gesner.* ‡ Il. iii. 217.

§ *Infringere articulos.*] Spalding seems rightly to suppose that this was done by squeezing the hands tightly together, rather than by pulling the fingers, referring to Petron. Arb. c. 17: *manibus inter se usque ad articulorum strepitum contritis*, &c., and c. 23, *infractis manibus congemuit.*

tinue such actions, if the judge be still unprepared to give us his attention. 159. As to the attitude, it should be erect, the feet a little apart, in similar positions, or the left a slight degree in advance; the knees straight, but not so as to seem stiff; the shoulders kept down; the countenance grave, not anxious, or stolid, or languid; the arms at a moderate distance from the side; the left hand in the position which I have before prescribed;* and the right, when we are going to commence, a little extended beyond the bosom of the toga, with the most modest possible gesture, as if waiting for the moment to begin. 160. For there are many offensive gestures practised, such as looking up at the ceiling; rubbing the face, and making it bold as it were; stretching forward the face with a confident kind of air, or knitting the brows to make it appear more stern; brushing the hair unnaturally back from the forehead, that its roughness may look terrible; pretending, by a constant motion of the lips and fingers, as is a frequent practice with the Greeks, to be studying what we are going to say; hawking with a great noise; extending one foot far before the other; holding up a part of the toga with the left hand; standing with the legs wide apart, or with the body stiff, or thrown back, or bent forwards, or with the shoulders drawn up, like those of men about to wrestle, to the hinder part of the head.

161. For the exordium a calm delivery is generally suitable; for nothing is more attractive than modesty to gain us a favourable hearing. Yet this is not always to be the case; for exordia, as I have shown,† are not all to be pronounced in the same manner. In general, however, the tone at the commencement should be calm, the gesture modest, the toga well settled on the shoulder, the motion of the body to either side gentle, and the eyes looking in the same direction as the body.

162. The statement of the case will commonly require the hand to be more extended, the toga thrown back, and the gesture more decided, with a tone of voice similar to that of ordinary conversation, only more spirited, yet of uniform sound; at least in such passages as these, *For Quintus Ligarius, when there was no suspicion of war in Africa*,‡ &c., and *Aulus Cluentius Habitus, the father of him who is before you*.§

* Sect 142.
† IV. 1, 40.
‡ Pro Lig. c. 1.
§ Pro Cluent. c. 5.

&c.; but other passages in a statement may call for a different tone, as, *The mother-in-law is married to her son-in-law,** &c., and, *A spectacle grievous and afflicting to the whole province of Asia is exhibited in the market-place of Laodicea,*† &c.

163. In advancing proofs the action may be various and diversified; for although to state, to distinguish particulars, to ask questions, and to anticipate objections, (and this is another kind of statement), may be confined to a tone bordering on the conversational, yet we may sometimes offer our demonstrations in a strain of raillery or mimicry.

164. Argumentation, being generally more spirited, lively, and energetic, requires gesture suited to the subject, that is, impressive and animated. We must insist strongly in certain passages, and our words must appear as it were in close array.

Digressions should mostly be delivered in a gentle, agreeable, and calm tone; as those of *the rape of Proserpine,*‡ *the description of Sicily,*§ *and the eulogy of Pompey;* ‖ for it is natural that what is unconnected with the main question should require less urgency of manner.

165. A representation of the manners of the opposite party, accompanied with censure, may sometimes be given in a gentle tone, as, *I seemed to myself to see some entering, others going out, some tottering from the effects of wine, some yawning from yesterday's carousal,*¶ when gesture, such as is not unsuitable to the tone, is admissible; for example, a gentle movement to either side, but a movement confined to the hand, without any change in the position of the body.

166. For exciting the judge, many varieties of tone may be adopted. The highest and loudest tone that a speaker can possibly adopt is proper for uttering the following words, *When the war was begun, Cæsar, and, even in a great degree advanced,*** &c., for he had previously said, *I will exert my voice as loudly as possible, that the people of Rome may hear,* &c. A tone somewhat lower, and having something pleasing in it, is suitable for the question, *What was that sword of yours doing, Tubero, in the field of Pharsalia?* †† A tone still fuller and slower, and consequently more agreeable, will

* Pro Cluent. c. 5.
† In Verr. i. 30.
‡ See iv. 3, 13.
§ See ix. 2, 55.
‖ Pro Balb. c. 4.
¶ See viii. 3 66.
** Cic. pro Lig. c. 3.
†† Ibid.

suit the words, *But in an assembly of the people of Rome, and when holding a public office,** &c. 167. Here every sound should be prolonged; the vowels should be extended, and the mouth well opened. Yet the words, *Ye Alban hills and groves,*† &c., should flow in a still stronger stream; and, *Rocks and deserts respond to the voice of the poet,*‡ &c., should be pronounced in a sort of chanting tone, and fall gradually in a musical cadence 168. It was with such variations of tone that Demosthenes and Æschines upbraided each other;§ but they are not on that account to be condemned, for, as each reproached the other with them, it is evident that both used them; since it was not, assuredly, in an ordinary tone of voice that Demosthenes || swore by the defenders of Marathon and Platæa and Salamis, nor was it in the tone of daily conversation that Æschines bewailed the fate of Thebes.¶ 169. There is also a tone different from all those that have been mentioned, raised almost above any key in which we speak, a tone on which the Greeks have bestowed the term *bitter*, and which is shrill beyond measure, and almost beyond the natural power of the human voice. Thus are uttered the words, *Quin compescitis vocem istam, indicem stultitiæ, testem paucitatis,*** "Will you not restrain those cries, the indications of your folly, the proofs of your fewness?" But the extravagant tone of which I spoke is required only at the commencement, *Quin compescitis.*

170. As to the peroration, if it consists of a recapitulation of the case, it requires a continuous enumeration of particulars in a uniform tone; if it is intended to excite the judges, it must be delivered in one of the tones which I have mentioned above; if it is designed to soothe them, it calls for smoothness and gentleness; if to move them to pity, a kind of musical cadence, and plaintive sweetness of the voice, by which the mind is strongly affected, and which is extremely natural; for at a funeral we may hear widows and orphans lamenting in a mournful kind of melody. 171. In such a case that muffled sort of voice which Cicero says that Antonius had,†† will be of great effect, for it has from nature the tone

* Cic. Philipp. ii. 25. † Pro Mil. c. 31. ‡ Pro Arch. c. 8.
§ Demosth. pro Cor. c. 90. Æsch. cont. Ctes. c. 72.
|| Pro Coron. c. 60. ¶ Æsch. cont. Ctes. c. 49.
** Cic. pro Rabir. perd. c. 6. †† Cic. Brut. c. 38.

which we would wish to assume. There are, however, two species of pity; one mixed with indignation, such as was mentioned above * in reference to the condemnation of Philodamus; the other in a lower tone, and accompanied with deprecation. 172. Since, though there may be something of scarcely perceptible music in the delivery of the words, *But in the assembly of the people of Rome*,† &c., for Cicero did not utter them in a tone of invective, and in that of the exclamation, *Ye Alban hills*,‡ &c., for he did not speak as if he were invoking or calling them to witness, yet the following passages must have been spoken in a manner infinitely more modulated and harmonious, *Miserable, unhappy man that I am*,§ &c., and, *What answer shall I give to my children?* &c., and, *Could you, Milo, by the means of these judges, recall me to my country, and shall I be unable, by means of the same judges, to retain you in yours?* || and he must have adopted a similar tone when he values the property of Caius Rabirius at one sesterce,¶ and exclaimed, *O miserable and afflicting duty of my voice!* 173. A profession, too, on the part of the orator, that he is sinking from distress and fatigue, has an extraordinary effect in a peroration; as in the same speech for Milo, *But there must be an end;* for I am no longer able to *speak for tears*, &c.; and such passages must have the delivery conformable to the language. 174. Other particulars may seem to require notice as belonging to this portion and department of a speech, as *to produce accused persons, to take up children in the arms, to bring forward relatives*, and *to rend garments*, but they have been mentioned in the proper place.**

Since, then, there is such variety in the different parts of a cause, it is sufficiently apparent that the delivery, as I have endeavoured to show, must correspond to the matter. But the pronunciation must also be adapted to the words, as I observed a little above, not indeed always, but at times. 175. For example, must not the words *unhappy man, poor creature*, be uttered in a low and subdued tone, and must not *courageous, vehement, robber*, be spoken in a more elevated and energetic tone? By such conformity a force and propriety of meaning

* Sect. 162. † See sect. 167. ‡ Ibid.
§ Pro Mil. c. 37. || Ib. c. 38.
¶ Pro Rabir. c. 17. Such was the poverty to which he was reduced.
** VI. 1, 30.

is given to our thoughts, and without it the tone would indicate one thing and the thought another. 176. Do not, indeed, the same words, by a change in the mode of pronouncing them, express *demonstration, assertion, reproach, denial, admiration, indignation, interrogation, derision, contempt?* The syllable *tu* is uttered in a very different tone in each of the following passages of Virgil:

Tu *mihi quodcunque hoc regni.**

and,

Cantando tu *illum?*†

and,

Tu*ne ille Æneas?*‡

and,

Meque timoris
Argue tu, *Drance.*§

Not to dwell too long on this head, let me observe only that if the reader will conceive in his own mind this, or any other word that he pleases, pronounced in conformity with every variation of feeling, he will then be assured that what I say is true.

177. One remark must, however, be added, namely, that, as the great object to be regarded in speaking is decorum,‖ different manners often become different speakers; and for such variety there is a secret and inexplicable cause; and though it is truly said that *our great triumph is, that what we do should be becoming,*¶ yet this, as it cannot be accomplished without art, can still not be wholly communicated by art. 178. In some, excellences have no charm; in others, even faults are pleasing. We have seen the most eminent actors in comedy, Demetrius and Stratocles,** delight their audiences by qualities of a very different nature. It is not, however, surprising that the one acted gods, young men, good fathers, domestics, matrons, and staid old women, with happy effect, or that the other was more successful in representing passionate old men, cunning slaves, parasites, procurers, and other bustling characters; for their natural endowments were very different, as even the voice of Demetrius was more pleasing, and that of Stratocles more powerful. 179. But what was more observable

* Æn. i. 78. † Ecl. iii. 25. ‡ Æn. i. 617.
§ Æn. xi. 383. ‖ Comp. c. 1, sect. 41. ¶ See Cic. de Orat. i. 29.
** Of these actors I find no mention elsewhere. *Spalding.*

was their peculiarity of action, which could not have been transferred from one to the other; as to wave the hand in a particular way, to prolong exclamations in an agreeable tone to please the audience, to puff out the robe with the air on entering the stage, and sometimes to gesticulate with the right side,* could have been becoming in no actor but Demetrius; for in all these respects he was aided by a good stature and comely person. 180. On the contrary, hurry, and perpetual motion, and a laugh not altogether in unison with his mask, (a laugh which he uttered to please the people, and with perfect consciousness of what he was doing,) and a depression of the head between the shoulders, were extremely agreeable in Stratocles. But whatever excellence in either had been attempted by the other, the attempt would have proved an offensive failure. Let every speaker, therefore, *know himself*, and, in order to form his delivery, consult, not only the ordinary rules of art, but his own abilities. 181. Yet it is not absolutely impossible that all styles, or at least a great number, may suit the same person.

The conclusion to this head must be similar to that which I have made to others, an admonition that moderation must have the utmost influence in regard to it; for I do not wish any pupil of mine to be an actor, but an orator. We need not, therefore, study all the niceties of gesture, nor observe, in speaking, all the troublesome varieties of stops, intervals, and inflexions of tone for moving the feelings. 182. Thus, if an actor on the stage had to pronounce the following verses,

> *Quid igitur faciam? non eam, ne nunc quidem,*
> *Quum arcessor ultro? an potius ita me comparem,*
> *Non perpeti meretricum contumelias?*†
>
> What, therefore, shall I do? not go? not now,
> When I'm invited by herself? Or rather
> Shall I resolve no longer to endure
> These harlots' impudence?

he would display all the pauses of doubt, and adopt various inflexions of the voice and gestures of the hand; but oratory is of another nature, and will not allow itself to be too much seasoned, for it consists in serious pleading, not in mimicry. 183. Delivery, accordingly, that is accompanied with perpetual movement of the features, that fatigues the

* Comp. sect. 74. † Ter. Eun. init.

audience with gesticulation, and that fluctuates with constant changes of tone, is deservedly condemned. Our old rhetoricians, therefore, wisely adopted a saying from the Greeks, which Popilius Lænas inserted in his writings as borrowed from our orators, that this is *restless pleading.** 184. Cicero, in consequence, who has given excellent precepts with regard to other matters, affords us similar directions with respect to this; directions which I have already quoted from his *Orator;*† and he makes observations of a like nature, in reference to Antonius, in his *Brutus.*‡ Yet a mode of speaking somewhat more vivacious than that of old has now become prevalent, and is even required; and to some portions of a speech it is very well adapted. But it must be kept so far under control, that the orator, while he aims at the elegance of the player, may not lose the character of a good and judicious man.

* *Inotiosam actionem.*] The commentators have hitherto been unable to find any Greek phrase resembling the Latin, or correspondent to it, except that Gesner very happily refers to Lucian Philopatr. c. 25, *τὴν πολυάσχολον μαθηματικήν*, i. e. astrology. From this example, however, we need not doubt that the Greek rhetoricians had among them the expression *ἄσχολος ὑπόκρισις*, . . . which would characterize the delivery of those *qui satagebant, non agebant*, as it is expressed in sect. 126. *Spalding.*

† He refers, I think, to sect. 122. *Gesner.*

‡ C. 38. "His gesture was such as to correspond to his thoughts, without beating time to his words. His hands, his shoulders, the form of his body, the stamp of his foot, his attitude, his gait, and indeed all his movements, were adapted to what came from his mind."

BOOK XII.

INTRODUCTION.

1. I HAVE now arrived at by far the most important part of the work which I had contemplated. Had I imagined, when I first conceived the idea of it, that its weight would have been so great as that with which I now feel myself pressed, I should have earlier considered whether my strength would be able to bear it. But, at the commencement, the thought of the disgrace that I should incur if I did not perform what I had promised, kept me to my undertaking; and afterwards, though the labour increased at almost every stage, yet I resolved to support myself under all difficulties, that I might not render useless what had been already finished. 2. For the same reason at present, also, though the task grows more burdensome than ever, yet, as I look towards the end, I am determined rather to faint than to despair.

What deceived me, was, that I began with small matters; and though I was subsequently carried onwards, like a mariner by inviting gales, yet, as long as I treated only of what was generally known, and had been the subject of consideration to most writers on rhetoric, I seemed to be still at no great distance from the shore, and had many companions who had ventured to trust themselves to the same breezes. 3. But when I entered upon regions of eloquence but recently discovered,* and attempted only by very few, scarcely a navigator was to be seen that had gone so far from the harbour as myself; and now, when the orator whom I have been forming, being released from the teachers of rhetoric, is either carried forward by his own efforts, or desires greater aid from the inmost recesses of philosophy, I begin to feel into how vast an ocean I have sailed, and see that there is

> —— *Cœlum undique et undique pontus,*†
> On all sides heaven, and on all sides sea.

I seem to behold, in the vast immensity, only one adventurer

* Because the ancient orators used but a rude kind of language, not having discovered that regular and numerous composition which was afterwards adopted by Thrasymachus and Gorgias, and brought to such a height of excellence by Isocrates. *Turnebus.* † Æn. v 9.

besides myself, namely Cicero; and even he himself, though he entered on the deep with so great and so well equipped a vessel, contracts his sails, and lays aside his oars, and contents himself with showing merely what sort of eloquence a consummate orator ought to employ. But my temerity will attempt to define even the orator's moral character, and to prescribe his duties. Thus, though I cannot overtake the great man that is before me, I must, nevertheless, go farther than he, as my subject shall lead me. However, the desire of what is honourable is always praiseworthy, and it belongs to what we may call cautious daring, to try that for failure in which pardon will readily be granted

CHAPTER I.

A great orator must be a good man, according to Cato's definition, § 1, 2. A bad man cannot be a consummate orator, as he is deficient in wisdom, 3—5. The mind of a bad man is too much distracted with cares and remorse, 6, 7. A bad man will not speak with the same authority and effect on virtue and morality as a good man, 8—13. Objections to this opinion answered, 14—22. A bad man may doubtless speak with great force, but he would make nearer approaches to perfect eloquence if he were a good man, 23—32. Yet we must be able to conceive arguments on either side of a question, 33—35. A good man may sometimes be justified in misleading those whom he addresses, for the attainment of some good object, 36—45.

1. Let the orator, then, whom I propose to form, be such a one as is characterized by the definition of Marcus Cato, *a good man skilled in speaking*.*

But the requisite which Cato has placed first in this definition, that an orator should be *a good man*, is naturally of more estimation and importance than the other. It is of importance that an orator should be good,† because, should the power of

* See note on ii. 15, 1.

† *Id non eò tantùm, quod,* &c.] Buttmann justly decides that *eò* is for *propterea,* as in iv. 2, 80. But there is an ancoluthon, as he observes, in what follows, for Quintilian, instead of adding *sed etiam,* as might have been expected, and proceeding regularly breaks off into *Quid de nobis loquor?* &c.

speaking be a support to evil, nothing would be more pernicious than eloquence alike to public concerns and private, and I myself, who, as far as is in my power, strive to contribute something to the faculty of the orator, should deserve very ill of the world, since I should furnish arms, not for soldiers, but for robbers. 2. May I not draw an argument from the condition of mankind? Nature herself, in bestowing on man that which she seems to have granted him pre-eminently, and by which she appears to have distinguished us from all other animals,* would have acted, not as a parent, but as a step-mother, if she had designed the faculty of speech to be the promoter of crime, the oppressor of innocence, and the enemy of truth; for it would have been better for us to have been born dumb, and to have been left destitute of reasoning powers, than to have received endowments from providence only to turn them to the destruction of one another.

3. My judgment carries me still further; for I not only say that he who would answer my idea of an orator, must be a good man, but that no man, unless he be good, can ever be an orator. To an orator discernment and prudence are necessary; but we can certainly not allow discernment to those, who, when the ways of virtue and vice are set before them, prefer to follow that of vice; nor can we allow them prudence, since they subject themselves, by the unforeseen consequences of their actions, often to the heaviest penalty of the law, and always to that of an evil conscience. 4. But if it be not only truly said by the wise, but always justly believed by the vulgar, that no man is vicious who is not also foolish, a fool, assuredly, will never become an orator.

It is to be further considered that the mind cannot be in a condition for pursuing the most noble of studies, unless it be entirely free from vice; not only because there can be no communion of good and evil in the same breast, and to meditate at once on the best things and the worst is no more in the power of the same mind than it is possible for the same man to be at once virtuous and vicious; 5. but also, because a mind intent on so arduous a study should be exempt from all other cares, even such as are unconnected with vice; for then, and then only, when it is free and master of itself, and when no other object harasses and distracts its attention, will it be

* See ii. 16, 16, *seq*

able to keep in view the end to which it is devoted. 6. But if an inordinate attention to an estate, a too anxious pursuit of wealth, indulgence in the pleasures of the chace, and the devotion of our days to public spectacles, rob our studies of much of our time,* (for whatever time is given to one thing is lost to another,) what effect must we suppose that ambition, avarice, and envy will produce, whose excitements are so violent as even to disturb our sleep and our dreams? 7. Nothing indeed is so pre-occupied, so unsettled, so torn and lacerated with such numerous and various passions, as a bad mind; for when it intends evil, it is agitated with hope, care, and anxiety, and when it has attained the object of its wickedness, it is tormented with uneasiness, repentance, and the dread of every kind of punishment. Among such disquietudes, what place is there for study, or any rational pursuit? No more certainly than there is for corn in a field overrun with thorns and brambles.

8. To enable us to sustain the toil of study, is not temperance necessary? What expectations are to be formed, then, from him who is abandoned to licentiousness and luxury? Is not the love of praise one of the greatest incitements to the pursuit of literature? But can we suppose that the love of praise is an object of regard with the unprincipled? Who does not know that a principal part of oratory consists in discoursing on justice and virtue? But will the unjust man and the vicious treat of such subjects with the respect that is due to them?

9. But though we should even concede a great part of the question, and grant, what can by no means be the case, that there is the same portion of ability, diligence, and attainments, in the worst man as in the best, which of the two, even under that supposition, will prove the better orator? He, doubtless, who is the better man. The same person, therefore, can never be a bad man and a perfect orator, for that cannot be perfect to which something else is superior.

10. That I may not seem, however, like the writers of Socratic dialogues, to frame answers to suit my own purpose, let us admit that there exists a person so unmoved by the force of truth, as boldly to maintain that a bad man, possessed of the same portion of ability, application, and learning, as a

* Compare i. 12, 18. *Spalding.*

good man, will be an equally good orator, and let us convince even such a person of his folly.

11. No man, certainly, will doubt, that it is the object of all oratory, that what is stated to the judge may appear to him to be true and just; and which of the two, let me ask, will produce such a conviction with the greater ease, the good man or the bad? 12. A good man, doubtless, will speak of what is true and honest with greater frequency; but even if, from being influenced by some call of duty, he endeavours to support what is fallacious, (a case which, as I shall show, may sometimes occur,) he must still be heard with greater credit than a bad man. 13. But with bad men, on the other hand, dissimulation sometimes fails, as well through their contempt for the opinion of mankind, as through their ignorance of what is right; hence they assert without modesty, and maintain their assertions without shame; and, in attempting what evidently cannot be accomplished, there appears in them a repulsive obstinacy and useless perseverance; for bad men, as well in their pleadings as in their lives, entertain dishonest expectations; and it often happens, that even when they speak the truth, belief is not accorded them, and the employment of advocates of such a character is regarded as a proof of the badness of a cause.

14. I must, however, notice those objections to my opinion, which appear to be clamoured forth, as it were, by the general consent of the multitude. Was not then Demosthenes, they ask, a great orator? yet we have heard that he was not a good man. Was not Cicero a great orator? yet many have thrown censure upon his character. To such questions how shall I answer? Great displeasure is likely to be shown at any reply whatever; and the ears of my audience require first to be propitiated. 15. The character of Demosthenes, let me say, does not appear to me deserving of such severe reprehension, that I should believe all the calumnies that are heaped upon him by his enemies, especially when I read his excellent plans for the benefit of his country and the honourable termination of his life. 16. Nor do I see that the feeling of an upright citizen was, in any respect, wanting to Cicero. As proofs of his integrity, may be mentioned his consulship, in which he conducted himself with so much honour, his honourable administration of his province; his refusal to be one of the

twenty commissioners;* and, during the civil wars, which fell with great severity on his times, his uprightness of mind, which was never swayed, either by hope or by fear, from adhering to the better party, or the supporters of the commonwealth. 17. He is thought by some to have been deficient in courage, but he has given an excellent reply to this charge, when he says, that *he was timid, not in encountering dangers, but in taking precautions against them*;† an assertion of which he proved the truth at his death, to which he submitted with the noblest fortitude. 18. But even should the height of virtue have been wanting to these eminent men, I shall reply to those who ask me whether they were orators, as the Stoics reply when they are asked whether Zeno, Cleanthes, and Chrysippus, were wise men; they say that they were great and deserving of veneration, but that they did not attain the highest excellence of which human nature is susceptible.

19. Pythagoras desired to be called, not *wise*, like those who preceded him, but *a lover of wisdom*. I, however, in speaking of Cicero, have often said, according to the common mode of speech, and shall continue to say, that he was *a perfect orator*, as we term our friends, in ordinary discourse, *good and prudent men*, though such epithets can be justly given only to the perfectly wise. 20. But when I have to speak precisely, and in conformity with the exactness of truth, I shall express myself as longing to see such an orator as he himself also longed to see;‡ for though I acknowledge that Cicero stood at the head of eloquence, and that I can scarcely find a passage in his speeches to which anything can be added, however many I might find which I may imagine that he would have pruned, (for the learned have in general been of opinion that he had *numerous excellences* and *some faults*, and he himself says that he had cut off most of his *juvenile exuberance*,§) yet, since he did not claim to himself, though he had no mean opinion of

* For dividing the lands of Campania. See Vell. Pat. ii. 45; Dion Cass. xxxviii. 1; Cicero ad Att. ix. 2.

† I have not been able to find these words in Cicero, nor have any of the commentators pointed them out. The sentiment Cicero often expresses; when, for example, he complains of the rashness of the party of Pompey; as in Ad Fam. vi. 21, and in many other passages *Spalding*.

‡ Orat. c. 2; De Orat. iii. 22.

§ See c. 6, sect. 4; Cic. Brut. c. 91.

his merits, the praise of perfection, and since he might certainly have spoken better if a longer life had been granted him, and a more tranquil season for composition, I may not unreasonably believe that the summit of excellence was not attained by him, to which, notwithstanding, no man made nearer approaches. 21. If I had thought otherwise, I might have maintained my opinion with still greater determination and freedom. Did Marcus Antonius declare that *he had seen no man truly eloquent*,* though to be eloquent is much less than to be a perfect orator; does Cicero himself say that *he is still seeking for an orator*, and merely conceives and imagines one; and shall I fear to say that in that portion of eternity which is yet to come something may arise still more excellent than what has yet been seen? 22. I take no advantage of the opinion of those who refuse to allow great merit to Cicero and Demosthenes even in eloquence; though Demosthenes, indeed, does not appear sufficiently near perfection even to Cicero himself, who says that he *sometimes nods;* nor does Cicero appear so to Brutus and Calvus,‡ who certainly find fault with his language even in addressing himself, or to either of the Asinii,§ who attack the blemishes in his style with virulence in various places.

23. Let us grant, however, what nature herself by no means brings to pass, that a bad man has been found endowed with consummate eloquence, I should nevertheless refuse to concede to him the name of orator, as I should not allow the merit of fortitude to all who have been active in the field, because fortitude cannot be conceived as unaccompanied with virtue. 24. Has not he who is employed to defend causes need of integrity which covetousness cannot pervert, or partiality

* Cic. Orat. c. 5; De Orat. iii. 22.

† *Dormitare interim dicit.*] See x. 1, 24. Is the passage of Cicero lost in which this expression occurred? Or did Quintilian, after using it with regard to Homer, in the place to which I have just referred, attribute it to Cicero through a lapse of memory? *Gesner.*

‡ Gesner refers to the Dial. de Orat. c. 18, where Calvus is said to have called Cicero *solutus* and *enervis;* Brutus, *fractus* and *elumbis.* See ix. 4, 1; xii. 10, 12.

§ Father and son. The son wrote a book in which he compared his father with Cicero; Pliny, Ep. vii. 4, 4, says that he had read it. It was answered by the Emperor Claudius according to Sueton. c 41 and Aul Gell. xvii. 1. *Gesner.* That Asinius Pollio criticized Cicero with great illiberality appears from Senec. Suasor. *Spalding.*

corrupt, or terror abash, and shall we honour the traitor, the renegade, the prevaricator, with the sacred name of orator? And if that quality, which is commonly called *goodness*, is found even in moderate pleaders, why should not that great orator, who has not yet appeared, but who may hereafter appear, be as consummate in goodness as in eloquence? 25. It is not a plodder in the forum, or a mercenary pleader, or, to use no stronger term,* a not unprofitable advocate, (such as he whom they generally term a *causidicus*,) that I desire to form, but a man who, being possessed of the highest natural genius, stores his mind thoroughly with the most valuable kinds of knowledge; a man sent by the gods to do honour to the world, and such as no preceding age has known; a man in every way eminent and excellent, a thinker of the best thoughts and a speaker of the best language. 26. For such a man's ability how small a scope will there be in the defence of innocence or the repression of guilt in the forum, or in supporting truth against falsehood in litigations about money? He will appear great, indeed, even in such inferior employments, but his powers will shine with the highest lustre on greater occasions, when the counsels of the senate are to be directed, and the people to be guided from error into rectitude. 27. Is it not such an orator that Virgil appears to have imagined, representing him as a calmer of the populace in a sedition, when they were hurling firebrands and stones?

> *Tum pietate gravem et meritis si forte virum quem*
> *Conspexere, silent, arrectisque auribus adstant,*†
> Then if perchance a sage they see, rever'd
> For piety and worth, they hush their noise,
> And stand with ears attentive.

We see that he first makes him *a good man*, and then adds that he is *skilled in speaking:*

> *Ille regit dictis animos, et pectora mulcet,*
> With words
> He rules their passions and their breasts controls.

28. Would not the orator whom I am trying to form, too, if he were in the field of battle, and his soldiers required to be encouraged to engage, draw the materials for an exhortation

* *Ut asperioribus verbis parcamus.*] He forbears from using the word *rabula*. Turnebus. Comp. c. 9, sect. 12.

† Æn. i 148.

from the most profound precepts of philosophy? for how could all the terrors of toil, pain, and even death, be banished from their breasts, unless vivid feelings of piety, fortitude, and honour, be substituted in their place? 29. He, doubtless, will best implant such feelings in the breasts of others who has first implanted them in his own; for simulation, however guarded it be, always betrays itself, nor was there ever such power of eloquence in any man that he would not falter and hesitate whenever his words were at variance with his thoughts. 30. But a bad man must of necessity utter words at variance with his thoughts; while to good men, on the contrary, a virtuous sincerity of language will never be wanting, nor (for good men will also be wise) a power of producing the most excellent thoughts, which, though they may be destitute of showy charms, will be sufficiently adorned by their own natural qualities, since whatever is said with honest feeling will also be said with eloquence.

31. Let youth, therefore, or rather let all of us, of every age, (for no time is too late for resolving on what is right,) direct our whole faculties, and our whole exertions, to this object;* and perhaps to some it may be granted to attain it; for if nature does not interdict a man from being good, or from being eloquent, why should not some one among mankind be able to attain eminence in both goodness and eloquence? And why should not each hope that he himself may be the fortunate aspirant? 32. If our powers of mind are insufficient to reach the summit, yet in proportion to the advances that we make towards it will be our improvement in both eloquence and virtue. At least, let the notion be wholly banished from our thoughts, that perfect eloquence, the noblest of human attainments, can be united with a vicious character of mind. Talent in speaking, if it falls to the lot of the vicious, must be regarded as being itself a vice, since it makes those more mischievous with whom it allies itself.

33. But I fancy that I hear some (for there will never be wanting men who would rather be eloquent than good) saying "Why then is there so much art devoted to eloquence? Why have you given precepts on rhetorical colouring, and the defence of difficult causes, and some even on the acknow-

* The attainment of virtue and eloquence.

ledgment of guilt,* unless, at times, the force and ingenuity of eloquence overpowers even truth itself? for a good man advocates only good causes, and truth itself supports them sufficiently without the aid of learning." 34. These objectors I shall endeavour to satisfy, by answering them, first, concerning my own work, and, secondly, concerning the duty of a good man, if occasion ever calls him to the defence of the guilty.

To consider how we may speak in defence of what is false, or even what is unjust, is not without its use, if for no other reason than that we may expose and refute fallacious arguments with the greater ease; as that physician will apply remedies with the greater effect to whom that which is hurtful is known. 35. The Academicians, when they have disputed on both sides of a point of morality, will not live according to either side at hazard; nor was the well known Carneades,† who is said to have argued at Rome, in the hearing of Cato the Censor, with no less force against the observance of justice than he had argued the day before in favour of it, an unjust man. But *vice*, which is opposed to *virtue*, shows more clearly what virtue is; *justice* becomes more manifest from the contemplation of *injustice;* and many things are proved by their contraries. The devices of his adversaries, accordingly, should be as well known to the orator, as the stratagems of an enemy in the field to a commander.

36. Even that which appears, when it is first stated, of so objectionable a character, *that a good man, in defending a cause, may sometimes incline to withhold the truth from the judge*,‡ reason may find cause to justify. If any one feels surprised that I advance this opinion, (though this is not mine in particular, but that of those whom antiquity acknowledged as the greatest masters of wisdom,§) let him consider that there are many things which are rendered honourable or dishonourable, not by their own nature, but by the causes which give rise to them. 37. For if *to kill a man* is often an act of virtue, and *to put to death one's children* is sometimes a

* IV. 2, 68—75; xi. 1, 76.

† This is related more at length by Lactantius, Div. Inst. v. 13, 16. Compare Quint. ii. 15, 23. *Spalding.*

‡ See iv. 5, 6.

§ Among these we must number Panætius, as appears from Cicero Off. ii. 14. Compare Quint. ii. 17, 26. *Spalding.*

noble sacrifice;* and if it is allowable to do things of a still more repulsive nature when the good of our country demands them, we must not consider merely what cause a good man defends, but from what motive, and with what object he defends it. 38. In the first place, every one must grant me, what the most rigid of the Stoics do not deny, that a good man may sometimes think proper to tell a lie,† and occasionally even in matters of small moment, as, when children are sick, we make them believe many things with a view to promote their health, and promise them many which we do not intend to perform; 39. and much less,‡ is it forbidden to tell a falsehood when an assassin is to be prevented from killing a man, or an enemy to be deceived for the benefit of our country; so that what is at one time reprehensible in a slave is at another laudable even in the wisest of men. If this be admitted, I see that many causes may occur for which an orator may justly undertake a case of such a nature, as, in the absence of any honourable motive, he would not undertake. 40. Nor do I say this only with reference to a father, a brother, or a friend, who may be in danger, (because even in such a case § I would allow only what is strictly lawful), though there is then sufficient ground for hesitation, when the image of justice presents itself on one side, and that of natural affection on the other; but let us set the point beyond all

* The examples of Ahala, Scipio Nasica, Brutus, and Manlius, will at once occur to the reader. *Spalding.*

† See ii. 17, 27. Examples of well-intended concealment of truth are given also by Plato, Rep. ii. p. 382 Steph. *Spalding.*

‡ *Nedum.*] With this word we must understand *ut sit vetitum mentiri*, or something to that effect. *Spalding.*

§ *Nec hoc dico, quia severiores sequi placet leges, pro patre, fratre, amico periclitantibus; tametsi,* &c.] This is a passage of which the sense is very doubtful. Buttmann, not finding it settled by Spalding, and not being able to satisfy himself about it, applied to Boeckh, who said that the words *nec hoc dico pro patre, fratre, amico periclitantibus*, must all be taken together, and *quia severiores sequi placet leges* separately and subsequently. Of this explanation Buttmann approves. I subjoin Boeckh's Latin: "Neque hoc ita dico, quasi pro patre, fratre, amico periclitantibus reveraque noxiis contra veritatem et justitiam dicere liceat; severiorem enim in talibus legem sequi mihi etiam placet; tametsi non mediocris hæsitatio sit, ipsâ pietate contra justitiam nitente; ut facile fortasse sit in hoc etiam genere causam fingere, quæ plerisque ad demonstranda illa satisfaciat. Sed ponamus exemplum extra omnem dubitationis ansam positum."

doubt. Let us suppose that a man has attempted the life of a tyrant, and is brought to trial for the deed; will such an orator as is described by us, be unwilling that his life should be saved? and, if he undertake to defend him, will he not support his cause before the judge by the same kind of misrepresentation as he who advocates a bad cause? 41. Or what if a judge would condemn a man for something that was done with justice, unless we convince him that it was not done: would not an orator, by producing such conviction, save the life of a fellow-citizen, when he is not only innocent but deserving of praise? Or what if we know that certain political measures are in contemplation, which, though just in themselves, are rendered detrimental to the commonwealth by the state of the times, shall we not adopt artifices of eloquence to set them aside, artifices which, though well-intended, are nevertheless similar to those of an immoral character?

42. No man, again, will doubt, that if guilty persons can by any means be turned to a right course of life, and it is allowed that they sometimes may, it will be more for the advantage of the state that their lives should be spared than that they should be put to death. If, then, it appear certain to an orator, that a person against whom true accusations are brought, will, if acquitted, become a good member of society, will he not exert himself that he may be acquitted?

43. Suppose, again, that a man who is an excellent general, and without whose aid his country would be unable to overcome her enemies, is accused of a crime of which he is evidently guilty, will not the public good call upon an orator to plead his cause? It is certain that Fabricius made Cornelius Rufinus,* who was in other respects a bad citizen, and his personal enemy, consul, by voting for him when a war threatened the state, because he knew him to be a good general; and when some expressed their surprise at what he had done, he replied, that *he had rather be robbed by a citizen than sold for a slave by the enemy*. Had Fabricius, therefore, been an orator, would he not have pleaded for Rufinus even though he had been manifestly guilty of robbing his country?

44. Many similar cases might be supposed, but even any one of them is sufficient; for I do not insinuate that the

* Cicero de Orat. ii. 66; Aul. Gell iv. 8.

orator whom I would form should often undertake such causes; I only wish to show that if such a motive as I have mentioned should induce him to do so, the definition of an orator, *that he is a good man skilled in speaking*, would still be true.

45. It is necessary, too, for the master to teach, and for the pupil to learn, how difficult cases are to be treated in attempting to establish them; for very often even the best causes resemble bad ones, and an innocent person under accusation may be urged by many probabilities against him; and he must then be defended by the same process of pleading as if he were guilty. There are also innumerable particulars common alike to good and bad causes; as oral and written evidence, and suspicions and prejudices to be overcome. But what is probable is established or refuted by the same methods as what is true. The speech of the orator, therefore, will be modelled as circumstances shall require, uprightness of intention being always maintained.

CHAPTER II.

An orator must study to maintain a high moral character, § 1, 2. Tendencies to virtue implanted by nature may be strengthened by cultivation, 3—9. Division of philosophy into three parts, natural, moral, and dialectic; remarks on the last kind, 10—14. On moral philosophy, 15—20. On natural philosophy, 21—23. Observations on the different sects of philosophers; an orator need not attach himself to any sect in particular, but may be content with learning what is good wherever it is to be found, 24—31.

1. Since an orator, then, is a good man, and a good man cannot be conceived to exist without virtuous inclinations, and virtue, though it receives certain impulses from nature, requires notwithstanding to be brought to maturity by instruction, the orator must above all things study *morality*, and must obtain a thorough knowledge of all that is just and honourable, without which no one can either be a good man or an able speaker. 2. Unless, indeed, we feel inclined to adopt the opinion of those who think that the moral character is formed by nature, and is not at all influenced by discipline; and who,

forsooth, acknowledge that manual operations, and even the meanest of them, cannot be acquired without the aid of teachers, but say that we possess virtue, (than which nothing has been given to man that raises him nearer to the immortal gods,) unsought and without labour, simply because we are born what we are. 3. But will that man be temperate, who does not know even what temperance is? Or will that man be possessed of fortitude, who has used no means to free his mind from the terrors of pain, death, and superstition? Or will that man be just, who has entered into no examination of what is equitable and good, and who has never ascertained from any dissertation of the least learning, the principles either of the laws which are by nature prescribed to all men, or of those which are instituted among particular people and nations? Of how little consequence do they think all this, to whom it appears so easy! 4. But I shall say no more on this point, on which I think that no man, who *has tasted of learning*, as they say, *with but the slightest touch of his lips*, will entertain the least doubt.

I pass on to my second proposition,* that no man will ever be thoroughly accomplished in eloquence, who has not gained a deep insight into the impulses of human nature, and formed his moral character on the precepts of others and on his own reflection. 5. It is not without reason that Lucius Crassus, in the third book *De Oratore*,† asserts that everything that can come under discussion respecting equity, justice, truth, goodness, and whatever is of an opposite nature, are the proper concerns of the orator; and that the philosophers, when they inculcate those virtues with the force of eloquence, use the arms of the orator and not their own. Yet he admits that the knowledge of these subjects must now be sought from philosophy, because philosophy, apparently, seems to him to be more fully in possession of them. 6. Hence also it is that Cicero remarks, in many passages both of his books and of his letters,‡ that the power of eloquence is to be derived

* This must be understood as contained in the latter half of sect. 1.

† C. 19, 27, 31.

‡ It would be tedious to refer to passages; and I wish that I could point out a greater number in the letters than I can. But I find one, which I may notice here, in the epistle to Cato (Ad. Fam. xiv. 4) where he says that philosophy was introduced both by Cato and him-

from the deepest sources of wisdom, and that accordingly the same persons were for a considerable time the teachers at once of eloquence and of morality.

This exhortation of mine, however, is not designed to intimate that I should wish the orator to be a philosopher, since no other mode of life has withdrawn itself further from the duties of civil society, and all that concerns the orator. 7. Which of the philosophers, indeed, ever frequented courts of justice, or distinguished himself in public assemblies? Which of them ever engaged even in the management of political affairs, on which most of them have given such earnest precepts?* But I should desire the orator, whom I am trying to form, to be a kind of *Roman wise man*,† who may prove himself a true statesman, not by discussions in retirement, but by personal experience and exertions in public life. 8. But because the pursuits of philosophy have been deserted by those who have devoted their minds to eloquence, and because they no longer display themselves in their proper field of action, and in the open light of the forum, but have retreated, at first into the porticoes and gymnasia, and since into the assemblies of the schools,‡ the orator must seek that which is necessary for him, and which is not taught by the masters of eloquence, among those with whom it has remained, by perusing with the most diligent application the authors that give instruction in virtue, that his life may be in conformity with a thorough knowledge of divine and human things; and how much more important and noble would these things appear, if those were to teach them who could discourse on them with the highest eloquence? 9. Would that there may some day come a time, when some orator, perfect as we wish him to be, may vindicate to himself the study of philosophy, (which has been rendered odious as well by the arrogant assumptions, as by the vices, of those who have disgraced its excellent nature,) and, by a re-

self to the forum. See de Orat. iii. 15; Tuscul. i. 3; Orat. c. 21. *Spalding.*

* *Quam maximè plerique præcipiunt.*] I translate these words according to the notion of Spalding and Gedoyn, believing them to be in the right.

† *Romanum—sapientem.*] As *Romanus pudor*, viii. 3, 39.

‡ Quintilian alludes first to the condition of philosophy among the ancient Greeks, and then to its condition among the Romans in his own time. *Spalding.*

conquest as it were, annex it again to the domain of eloquence!

10. As philosophy is divided into three parts, *physics*, *ethics*, and *dialectics*,* by which of the three is it not allied with the business of the orator?

To consider them in the order contrary to that in which I have named them, no man can surely doubt whether the last, which is wholly employed about words, concerns the orator, if it be his business to know the exact significations of terms, to clear ambiguities, to disentangle perplexities, to distinguish falsehood from truth, and to establish or refute what he may desire; 11. though, indeed, we shall not have to use these arts with such exactness and preciseness in pleadings in the forum, as is observed in the disputations of the schools; because the orator must not only instruct his audience, but must move and delight them, and to effect that object there is need of energy, animation, and grace; the difference between the orator and the dialectician being as great as that in the courses of rivers of an opposite character; for the force of streams that flow between high banks, and with a full flood, is far greater than that of shallow brooks, with water struggling against the obstructions of pebbles. 12. And as the teachers of wrestling do not instruct their pupils in all the *attitudes*,† as they call them, that they may use all that they have learned in an actual struggle with an adversary, (for more may be effected by weight, and firmness, and ardour,) but that they may have a large number of artifices, of which they may adopt one or other as occasion may require; 13. so the art of logic, or of *disputation*, if we had rather give it that name, though it is often of the greatest use in definitions and deductions, in marking differences and in explaining ambiguities, in distinguishing and dividing, in perplexing and entangling, yet, if it assumes to itself the whole conduct of a cause in the forum, will prove but a hindrance to what is better than itself, and will waste, by its very subtilty, the strength that is divided to suit its niceties. 14. We may accordingly see that some people, extremely acute in disputations, are, when they are

* See Sidon. Apollin. carm. xv. Cicero Acad. Quæst. i. 5. *Almeloveen.* See also Quintilian's Preface, sect. 16, and note. The same division of philosophy is given by Macrobius, Somn. Scip. *sub fin.*, and by Seneca, Epist. lxxxix.

† *Numeros.*] Comp. x. 1, 4.

drawn beyond the sphere of cavilling, no more able to support any important exertion of eloquence, than certain little animals, which are active enough to escape being caught in a small space, can prevent themselves from being seized in an open field.

15. As to that part of philosophy which is called *moral*, the study of it is certainly wholly suited to the orator; for in such a variety of causes, (as I have remarked in the preceding books,) in which some points are ascertained by conjecture,* others are settled by definition,† others are set aside by the law,‡ others fall under the state of exception,§ others are determined by syllogism,‖ others depend on a comparison of different laws,¶ others on explanations of ambiguous terms,** scarcely a single cause can occur in some part of which considerations of equity and morality are not concerned. Who does not know, also, that there are numbers of cases which depend entirely on the estimation of the quality of an act, a question purely moral? 16. In deliberative oratory, also, what means would there be of exhortation unconnected with questions of honesty? As to the third kind of oratory, too, which consists in the duties of praising and censuring, what shall be said of it? It is assuredly engaged about considerations of right and wrong. 17. Will not an orator have to speak much of justice, fortitude, abstinence, temperance, piety? Yet the good man, who has a knowledge of these virtues, not by sound and name only, not as heard merely by the ear to be repeated by the tongue, but who has embraced them in his heart, and thinks in conformity with them, will have no difficulty in conceiving proper notions about them, and will express sincerely what he thinks.

18. Again, as every general question is more comprehensive than a particular one, as a part is contained in the whole while the whole is not included in a part, no one will doubt that general questions are intimately connected with that kind of studies of which we are speaking. 19. As there are many points also which require to be settled by appropriate and brief definitions, whence one *state* of causes is called the

* *Status conjecturalis.* iii. 6, 31, 45. † *Status definitivus.* ib.
‡ *Status legalis.* iii. 6, 45.
§ *Status translativus,* or "state of exception." iii. 6, 23.
‖ See iii. 6, 15. ¶ B. vii. c. 7. ** B. vii. c. 9.

definitive,* ought not the orator to be prepared for giving such definitions by those who have given most attention to that department of study? Does not every question of equity depend either on an exact determination of the sense of words, or on the consideration of what is right, or on conjecture respecting the intention of the author of something written? and of all such questions part will rest on logical and part on ethical science. 20. All oratory, therefore, naturally partakes of these two departments of philosophy; I mean all oratory that truly deserves the name; for mere loquacity, which is ignorant of all such learning, must necessarily go astray, as having either no guides, or guides that are deceitful.

But the department of *natural* philosophy, besides that it affords so much wider a field for exercise in speaking than other subjects, inasmuch as we must treat of divine in a more elevated style than of human things, embraces also the whole of moral science, without which, as I have just shown,† there can be no real oratory. 21. For if the world is governed by a providence, the state ought surely to be ruled by the superintendence of good men. If our souls are of divine origin, we ought to devote ourselves to virtue, and not to be slaves to a body of terrestrial nature. Will not the orator frequently have to treat of such subjects as these? Will he not have to speak of auguries, oracles, and of everything pertaining to religion, on which the most important deliberations in the senate often depend, at least if he is to be, as I think that he ought to be, a well qualified statesman? What sort of eloquence can be imagined, indeed, to proceed from a man who is ignorant of the noblest subjects of human contemplation?

22. If what I say were not evidently supported by reason, we might nevertheless believe it on the authority of examples; for it is well known that Pericles, of whose eloquence, though no visible proofs of it have come down to us, not only historians, but the old comic writers, a class of men not at all inclined to flattery, say that the power was scarcely credible, was a hearer of Anaxagoras, the great natural philosopher; and that Demosthenes, the prince of all the orators of Greece, attended the lectures of Plato. 23. As to Cicero, he fre

* III. 6, 31. † Sect. 15.

quently declares* that he owed less to the schools of the rhetoricians than to the gardens of the Academy. Nor indeed would so wonderful a fertility of mind have displayed itself in him, if he had circumscribed his genius by the limits of the forum, and not allowed it to range through all the domains of nature.

But from these reflections arises another question, *what sort of philosophers will contribute most to the improvement of eloquence;* though it is a question which will concern but a small number of sects. 24. Epicurus, in the first place, excludes us from all communication with him, as he directs his disciples to flee from all learning *with the utmost speed at which they can sail.*† Nor does Aristippus, who makes the chief happiness to consist in the pleasures of the body, encourage us to support the fatigues of study. As to Pyrrho, what concern can he have with our labour, he who is not certain whether there are judges to whom he speaks, or a defendant for whom he pleads, or a senate in which his opinion is to be given? 25. Some think the Academy most serviceable to eloquence, as its practice of disputing on both sides of a question is closely allied to the exercises preparatory to pleading in the forum; and they add as a proof of their opinion that that sect has produced men extremely eminent in eloquence.‡ The Peripatetics also boast that they have a strong bearing upon oratory; § as the practice of speaking on general questions for the sake of exercise had its origin chiefly among them. The Stoics, though they must allow that copiousness and splendour of eloquence have been wanting in most of their eminent men,‖ yet assert that no philosophers can either support proofs with greater force, or draw conclusions with greater subtility. 26. But this is a notion among themselves, who, as if bound by an oath, or influenced by some superstí-

* The passage in the *Orator*, c. 3, has readily occurred to the commentators; but as Quintilian uses the word "frequently," I could wish to find more passages in Cicero to that effect. *Spalding.*

† II. 17, 15.

‡ As Plato, whom Demosthenes is said to have been old enough just to hear, Carneades, and Cicero himself. *Gesner.*

§ For who has written better on the art of oratory than Aristotle, or who can be thought to have written more elegantly than Theophrastus? *Gesner.*

‖ See ii. 15, 35, and note.

tious obligation, think it criminal to depart from a persuasion which they have once embraced.

27. But an orator has no need to bind himself to the laws of any particular sect; for the office to which he devotes himself, and for which he is as it were a candidate, is of a loftier and better nature, since he is to be distinguished as well by excellence of moral conduct as by merit in eloquence. He will accordingly select the most eloquent orators for imitation in oratory, and for forming his moral character will fix upon the most honourable precepts and the most direct road to virtue. 28. He will indeed exercise himself on all subjects, but he will attach himself most to those of the highest and noblest nature; for what more fertile subjects can be found, indeed, for grave and copious eloquence, than dissertations on virtue, on government, on providence, on the origin of the human mind, and on friendship? These are the topics by which the mind and the language are alike elevated; *what is really good; what allays fear, restrains cupidity, frees us from the prejudices of the vulgar, and raises the mind towards the heaven from which it sprung.**

29. Nor will it be proper to understand those matters only which are comprehended in the sciences of which I have been speaking, but still more to know, and to bear continually in mind, the noble deeds and sayings which are recorded of the great men of antiquity, and which certainly are nowhere found in greater number or excellence than in the annals of our own commonwealth. 30. Will men of any other nation give better lessons of fortitude, justice, honour, temperance, frugality, contempt of pain and death, than a Fabricius, a Curius, a Regulus, a Decius, a Mucius, and others without number? for highly as the Greeks abound in precepts, the Romans, what is of far more importance, abound quite as much as in examples; 31. and that man will feel himself in a manner impelled † by the biography of his country to a similar course of conduct, who does not think it sufficient to

* This sentence ends in all the editions with *animum cœlestem.* Several of the critics have thought that something was wanting. Buttmann conjectures that we should read *animumque cœlestem levet.*

† *Tantumque non cognatis id è rebus admoneri sciet.*] Capperonier said that the only way of making sense of these words was to take *tantum non* in the sense of *fere, propè;* and in this opinion Gesner and Spalding acquiesce.

regard merely the present age, and the passing day, but considers that any honourable remembrance among posterity is but the just sequel to a life of virtue, and the completion of a career of merit. From this source let the orator whom I would form derive strong encouragements to the observance of justice, and let him show a sense of liberty drawn from hence in his pleadings in the forum and in his addresses to the senate. Nor will he indeed ever be a consummate orator who has not both knowledge and boldness to speak with sincerity.

CHAPTER III.

Proofs that a knowledge of the civil law is necessary to an orator.

1. For such an orator, too, a knowledge of the *civil law* will be necessary, and of the manners and religion of that state, whatever it be, over which he shall endeavour to exert any influence; for what sort of an adviser will he be, whether in public or in private deliberations, who shall be ignorant of things by which a state is principally held together? or how will he not falsely call himself a defender of causes, who has to seek from another that which is of most importance to the pleading of his causes, almost like those who recite the writings of poets?* 2. He will resemble in a manner a person carrying messages; what he desires the judge to believe, he will have to advance on the faith of another; and while he professes to aid parties going to law will stand in need of aid himself. Though this may indeed sometimes be done with but little inconvenience, when he shall bring before the judge what he has taught himself and arranged at home, and which he has learned by heart like other component parts of the cause, how will he fare with regard to those questions which often arise suddenly in the middle of a case? 3. Will he not look about him covered with shame, and ask questions of the inferior advo-

* Spalding supposes that actors are meant. Perhaps we should rather understand persons employed by poets who distrusted their voice or delivery, to recite their verses for them in public; as was the practice among the Romans of Quintilian's day.

cates * on the benches? and even if he receives an answer, will he be able fully to comprehend what he hears, when he has to deliver it on the instant? Or will he be able to assert anything with confidence, or to speak with any appearance of sincerity for his clients? Perhaps he may in a set speech; but what will he do in altercations, † where he must reply to the opposite party at once, and no time will be allowed him for gaining information? Or what if perchance a person skilled in the law be not at hand to prompt him? What if a person but imperfectly acquainted with the subject suggests to him something incorrect? For it is one of the greatest misfortunes of ignorance to fancy that whoever offers instruction is a man of knowledge.

4. I am not indeed forgetful of our practice, or unmindful of those who sit as it were by the store-chests ‡ to furnish weapons for forensic combatants; nor am I unaware that the Greeks also had the same custom, from whom the name of *pragmatici*,§ bestowed upon these gentlemen, was derived. But I am speaking of a genuine orator who is to bring to the support of his cause not only his voice, but everything that can possibly be of service to it. 5. I would not think him therefore useless, if he stand perchance for his hour, || or unskilful in establishing evidence.¶ For who will prepare better than himself that

* *Minores advocatos.*] Quintilian here uses *advocatus* for him *qui jus suggerit*, the attorney who suggested or explained points of law; or rather, perhaps, he alludes to the custom of having several advocates, so that he who spoke might be called the *major advocatus*, and the others, who assisted him with their advice, *minores*. Turnebus.

† See b. vi. c. 4.

‡ *Qui ad arculas sedent.*] I suppose, says Buttmann, that Quintilian alludes to chests for holding weapons used in the *palæstræ* or other places of exercise.

§ III. 6, 59.

|| *Si ad horam fortè constiterit.*] In opposition to Burmann, who understands these words as referring to the orator pleading according to the time limited by the *clepsydra*, Gesner very properly remarks that the allusion here is not to the pleading of the cause before the judges, but to the *preparation for pleading* which an advocate might wish to make. . . . . But for such preparation an hour was allowed; and even if an orator found it necessary to occupy the whole of that time in preliminaries, Quintilian still thinks that he might be an able man. *Buttmann*

¶ *In testationibus faciendis.*] See v. 7, 33. To arrange and get ready witnesses and other evidence was, as Buttmann and Gesner think, part

which he shall wish to appear in the cause when he shall plead it? Unless, indeed, we consider that an able general is one who is active and brave in the field, and skilled in everything which an engagement requires, but who knows neither how to levy troops, nor to muster or equip forces, nor to secure provisions, nor to select a position for a camp; though it is* surely of more importance to make preparations for success in a fight, than to have the command in it. 6. But an orator would very greatly resemble such a general, if he should leave much that would promote his success to the management of others, especially as this knowledge of the civil law, which is of the utmost importance to him, is not so difficult to be acquired as it may perhaps appear to those who contemplate it from a distance. For every point of law, which is *certain*, rests upon something *written*, or upon *custom;* whatever is *doubtful* must be decided on grounds of equity. 7. What is written, or dependent on the custom of a country, is attended with no difficulty; for it is a matter of knowledge, not of invention,† and points which are explained by the comments of lawyers, lie either in interpretations of words, or in distinctions between right and wrong. To understand the sense of every word in a law, is either common to all men of education, or peculiar to the orator; equity is understood by every honest man. 8. We, moreover, are supposing our orator to be a man eminently good and sensible; a man who, when he has devoted himself to the study of what is excellent in its nature, will not be greatly troubled if a lawyer differ from him in opinion, since lawyers themselves are allowed to hold various opinions on the same points.

9. But if he shall desire to know what lawyers in general have thought of any matter, he has only to apply himself to reading, than which nothing in his course of study is less laborious; and if many, from despair of acquiring the necessary qualifications for speaking in public, have betaken themselves in consequence to the study of law,‡ how easy is it for the orator to attain that which those acquire, who, according to their own confession,

of the preparation allowed during the hour. This hour's preparation was of course additional to whatever premeditation the advocate had previously bestowed on the cause.

* The text has *prius est enim;* but the sense seems to require *prius est tamen.* † X. 1, 106. ‡ See viii. 3, 79

cannot become orators! But Marcus Cato was both highly distinguished for eloquence, and eminent for his knowledge of law; and the merit of eloquence was also allowed to Scævola and Servius Sulpicius. 10. Cicero, too, was not only never at a loss, in pleading, for a knowledge of law, but had even begun to write on it,* whence it appears that an orator may not only have time for learning law, but also for teaching it.

11. But let no man suppose that the precepts which I have offered respecting the necessity of attention to the moral character, and to the study of law, need not be regarded, because we have known many who, from dislike of the labour which they must undergo who aspire to eloquence, have resigned themselves to employments better suited to their indolence. Some of these have given themselves up to the white and red;† or have preferred to become *formularii*, or, as Cicero terms them, *leguleii*,‡ on pretence of choosing what was more useful, when they in reality sought only what was easier. 12. Others there have been, of equal indolence but greater arrogance, who, having suddenly § settled their countenance with affected gravity, and let their beards grow, have sat for a time, as if they looked with contempt on the study of oratory, in the schools of the philosophers, in order that, by assumed solemnity in public, while they are abandoned to licentiousness at home,‖ they may assume authority to themselves by setting others at nought.

* It appears from Aulus Gellius, i. 22, that Cicero wrote one book which was entitled *De jure civili in artem redigendo.* Spalding.

† *Ad album et rubricas.*] By the *white* is meant the *jus prætorium*, or prætors' edicts, which were set forth *in albo*, "on white." By the *red* is signified the civil law, the titles and heads of which were written in red: Juv. Sat. xiv. 193. See Adam's Rom. Ant. p. 205, 8vo. ed.

‡ Cicero de Orat. i. 55. "Thus the lawyer (*jurisconsultus*) is, of himself, nothing with you but a sort of wary and acute legalist (*leguleius*), an instructor in actions, a repeater of forms (*cantor formularum*, equivalent to *formularius*), a catcher at syllables."

§ After having devoted some time to the study of eloquence. *Spalding.*

‖ *Qui Curios simulant et Bacchanalia vivunt.* Juv. Sat. ii.

CHAPTER IV.

The mind of an orator must be stored with examples and precedents.

1. But an orator ought to be furnished, above all things, with an ample *store of examples*, as well ancient as modern; since he should not only be acquainted with matters which are recorded in history, or transmitted from hand to hand as it were by tradition, or are of daily occurrence, but should not even be neglectful of the fictions of the more eminent poets; for those of the former kind have the authority of testimonies, or even of precedents; and the latter sort are either supported by the sanction of antiquity, or are supposed to have been invented by great men to serve as precepts. 2. Let the orator, therefore, know as many as possible of every kind; for hence it is that greater authority is attributed to old men, as they are thought to have known and seen more than others; a fact which Homer frequently attests. But we must not wait till the last stage of life to acquire authority; for study affords us such advantage, that, as far as knowledge of events is concerned, we seem ever to have lived in past ages.

CHAPTER V.

Necessity of firmness and presence of mind to an orator, § 1—4. Natural advantages to be cultivated, 5, 6.

1. Such are the acquirements of which I had promised to give an account.* They are instruments, not of the art, as some have thought, but of the orator; they are the arms which he ought to have at hand, and with a knowledge of which he ought to be thoroughly prepared, united with a ready store of words and figurative language, as well as with power of imagination, skill in the disposition of materials, strength of memory, and grace of delivery.

2. But the most important of all qualities is steady presence of mind, which fear cannot shake or clamour intimidate, nor the authority of an audience restrain beyond the just

* See Preface, sect. 22; and Introd. to this book, sect. 4.

portion of respect that is due to them ; for though faults of an opposite nature, those of presumption, temerity, audacity, and arrogance, are in the highest degree offensive, yet without proper firmness, confidence, and courage, neither art, nor study, nor knowledge would be of the least avail, any more than weapons put into the hands of weakness and timidity. It is not without unwillingness, indeed, that I observe (for what I say may be misunderstood) that modesty itself, which, though a fault, is an amiable one, and frequently the parent of virtues, is to be numbered among qualities detrimental to the orator, and has had such an effect on many, that the merits of their genius and learning have never been brought into light, but have wasted away under the rust contracted in obscurity. 3. Should any young student, however, not yet sufficiently experienced in distinguishing the meaning of words, read this remark, let him understand that it is not a reasonable degree of diffidence which I blame, but an excess of modesty, which is a species of fear that draws off the thoughts from what we ought to do, whence proceeds confusion, repentance that we ever began, and sudden silence; and who can hesitate to number among faults an affection by the influence of which we become ashamed to do what is right? 4. Nor, on the other hand, should I be unwilling that he who is going to speak should rise with some concern, change colour, and show a sense of the hazard which he is encountering ; feelings which, if they do not arise within us, should be assumed. But this should be the effect of conciousness of the weight of our task, not of fear ; and though we should be moved, we should not sink down in helplessness. The great remedy for bashfulness, however, is confidence in our cause ; and any countenance, however likely to be daunted, will be kept steady by a consciousness of being in the right.

5. But there are, as I observed before,* advantages from nature, which may doubtless be improved by art ; such as good organs of speech and tone of voice, strength of body, and grace of motion ; advantages which are often of such effect that they gain the possessor of them reputation even for genius. Our age has seen more fertile orators than Trachalus ;† but, when he spoke, he seemed to be far above all his contemporaries such was the loftiness of his stature, the fire of his eyes the

* Preface, sect. 27. † X. 1, 119.

authority of his look, and the grace of his action; while his voice was, not indeed, as Cicero * desires, similar to that of actors in tragedy, but superior to that of any tragic actor that I ever heard. 6. I well remember that on one occasion, when he was speaking in the *Basilica Julia* † before the first tribunal, and the four companies of judges, as is usual, were assembled,‡ while the whole place resounded with noise, he was not only heard and understood, but was applauded from all the four tribunals, to the great prejudice of those who were speaking at the same time. But the possession of such a voice is the very height of an orator's wishes, and a rare happiness; and whoever is without it, let it suffice for him to be heard by those to whom he immediately addresses himself. Such ought an orator to be; and such are the qualifications which he ought to attain.

CHAPTER VI.

At what age an orator should begin to plead in public.

1. As to the age for beginning to plead in public, it must doubtless be fixed according to the student's capacity. I should name no particular year; for it is well known that Demosthenes pleaded his cause against his guardians when he was quite a boy;§ Calvus, Cæsar, and Pollio|| undertook causes of the highest importance long before they were of age for the quæstorship;¶ it is said that some have pleaded in the

* De Orat. i. 28.

† A large court or hall erected by Julius Cæsar in the forum.

‡ The *centumviri litibus judicandis* were anciently divided into two *hastæ*, or companies, but subsequently into four tribunals. These four, on the occasion to which Quintilian alludes, were assembled in one hall. Trachalus was speaking at the one called *the first*, but his voice was so full and sonorous that he caught the attention of the people at the other three, who neglected their own business to applaud him.

§ See Adv. Mid. c. 23. He was then eighteen years of age.

|| In the nineteenth year of his age Lucius Crassus pleaded against Caius Carbo, in his one and twentieth *Cæsar* against Dolabella, in his twenty-second *Asinius Pollio* against Caius Cato, and *Calvus* was not much older when he attacked Vatinius. Dialog. de Oratorib. c. 34.

¶ Which could not be held before the age of twenty-five, or as some

toga prætexta; and Cæsar Augustus pronounced a funeral eulogium on his grandmother at the age of twelve.*

2. But it seems to me that a medium should be observed, so that a countenance too young for the public eye may not be made prematurely bold,† and that whatever is still crude in a young man may not suffer by exposure; for hence arises disdain of study; the foundations of effrontery are laid; and, what is in all cases most pernicious, presumption goes before ability. 3. Yet apprenticeship, on the other hand, should not be put off till an advanced age; for fear then grows upon us from day to day; what we have still to attempt appears continually more alarming; and while we are deliberating when we shall begin, we find that the time for beginning is past.

The fruit of study ought accordingly to be produced in its greenness and first sweets, while there is hope of indulgence, while favour is ready to be shown, and while it is not unbecoming to make a first trial; whatever is deficient in the attempts of youth, age will supply; and whatever is expressed in too turgescent a style, will be received as evidence of a vigorous genius;‡ such is all that passage of Cicero in his speech for Sextus Roscius,§ *Quid enim tam commune, quàm spiritus vivis, terra mortuis, mare fluctuantibus, litus ejectis,* "For what is more common than the air to the living, the earth to the dead, the sea to navigators, the shore to those cast up out of the deep," &c.; a passage in reference to which, after he had delivered it at six-and-twenty, with the greatest applause from his audience, he observed, at a more advanced period of life, that his style had fermented in the course of time, and grown clear with age.‖ 4. To say the truth, whatever improvement private study may produce, there is still a peculiar advantage attendant on our appearance in the forum, where the light is different, and where there is appearance of real respon-

say, twenty-seven. See Adam's Rom. Antiq. p. 4. Lips. Exc. ad Tacit. Ann. iii. 29; Ernest. ad Suet. Calig. c. 1.

* See Sueton. Octav. c. 8. Her name was Julia.

† *Neque præpropere destringatur immatura frons.*] The literal meaning seems to be "may not be prematurely robbed of its modesty." It appears to be a metaphorical expression, says Turnebus, from the stripping of leaves off trees for the food of cattle; a practice of which Columella speaks.

‡ *Pro indole.*] Tanquam signa indolis magna quædam promittentia. *Spalding.*

§ C. 26. ‖ Orat. c. 30.

sibility quite different from the fictitious cases of the schools, and practice without learning, if we estimate the two separately, will be of more avail than learning without practice. 5. Hence some who have grown old in the schools, are astonished at the novelty of things when they come before the tribunals, and look in vain for something similar to their scholastic exercises. But in the forum the judge is silent; the adversary noisy; nothing uttered rashly is unnoticed; whatever we assert, we must prove; time will perhaps be wanting for delivering a speech which has been prepared and composed with the labour of whole days and nights; and in some cases, laying aside the ostentation of trumpeting forth fine words, we must speak in the tone of conversation, to which our eloquent declaimers are utter strangers; and we may accordingly find some of them who are in their own opinion too eloquent for pleading causes.

6. But I should wish my young student, whom I have brought into the forum dependent on strength still immature, to commence with as easy and favourable a cause as possible, as the young of wild animals are fed with the most delicate food that they can catch; but I would not have him continue to plead causes uninterruptedly after his commencement, and render his genius, which still requires nourishment, hard and insensible; but I should like him, when he knows what a real combat is, and for what he has to prepare himself, to recruit and renew his strength.* 7. Thus he will have got over the fear of a first attempt, while it is easier for him to make it; and yet he will not make the facility which he experiences in his first essays a reason for despising labour. It was this plan that Cicero adopted;† and when he had already gained an honourable name among the pleaders of his day, he made a voyage into Asia, and attended doubtless on other masters of eloquence and wisdom, but committed himself especially to Apollonius Molo at Rhodes, of whom he had been an auditor at Rome, to be fashioned and cast, as it were, anew. It is then, indeed, that labour properly becomes valuable, when theory and experience are duly united.

* By returning, at intervals, to his private studies. *Turnebus.*

† See Brut. c. 91, where Cicero gives a full account of his proceedings in this respect.

CHAPTER VII.

What sort of causes an orator should chiefly undertake, § 1—7. What remuneration he may reasonably receive for his services, 8—12.

1. After the young orator has gained sufficient strength for any kind of contest, his first care must be employed about the choice of the causes that he is to undertake. In making such a choice, a good man will certainly prefer defending accused persons rather than prosecuting them; yet he will not have such a horror of the name of accuser, as to be incapable of being moved by any consideration, public or private, to call any man to account for his life and conduct; for even the laws themselves would be of no force if they were not supported by the judicious voice of the orator; and if it were not allowable to exact punishment for crimes, crimes themselves would be almost permitted; and that licence should be granted to the bad is decidedly contrary to the interest of the good. 2. The orator, therefore, will not allow the just complaints of allies, or the murder of a friend or relative, or conspiracies intended to burst forth in the overthrow of the government, to pass unpunished; not because he is eager for vengeance on the guilty, but because he is desirous of reforming the vicious and of correcting public morals; since those who cannot be brought to a better way of life by reason, can be kept in order only by terror. 3. Though to live the life of an accuser, therefore, and to be led to bring the guilty to judgment by hope of reward, is similar to subsisting by robbery, yet to expel intestine corruption, is conduct resembling that of the noblest defenders of their country.

Accordingly the most eminent men in our republic have not shrunk from this part of an orator's duty; and young men of the highest rank have been regarded as making the accusation of bad citizens a proof of their attachment to their country, because it was thought that they would have not expressed hatred of the wicked, or have incurred the enmity of others, but from confidence in their own integrity of mind. 4. This was the conduct, in consequence, adopted by Hortensius, the Luculli,* Sulpicius, Cicero, Cæsar, and many others, as well as by the

* Lucius Lucullus and Marcus his brother (or cousin, see Verheyk ad Eutrop. vi. 7), who are elsewhere mentioned in conjunction, as in

elder and younger Cato, one of whom has been called the Wise, and unless the other be thought wise, I do not know to whom he has left the right of taking the name. Yet an orator will not defend all persons indiscriminately, or open the salutary haven of his eloquence to pirates; and he will be influenced to advocate any cause chiefly by the good opinion which he forms of the nature of it.

5. But as one man cannot undertake the defence of all those who go to law with some appearance of justice, the number of whom is certainly considerable, he will pay some attention to the characters of those who recommend clients to his care, as well as to that of those who are desirous to engage in suits,* that he may be led by a feeling for the most upright, whom a good man will always regard as his best friends. 6. But he must keep himself free from two sorts of vain ostentation; the one, that of obtruding his services on the powerful against the humble; the other, which is even more boastful, that of supporting the humble against persons of dignity; for it is not rank that makes causes just or unjust. Nor, in regard to any cause which he has undertaken on the supposition that it was good, but of which, in the course of discussion, he has discovered the iniquitousness, will he let any feeling of shame prevent him from declining it, after telling his client his real opinion of it.

7. It is indeed a great service to a client, if I am a fair judge, not to beguile him with vain hopes. Nor, on the other hand, is a client deserving of the assistance of an advocate, if he does not listen to his advice. Assuredly it does not become him, whom I would have to approve himself a true orator, knowingly to defend injustice. If he support what is not true in such cases as I have mentioned above,† what he does will still be justifiable.

reference to their magnificent ædileship, Cic. de Off. ii. 16. They acted in union in early life in many proceedings, among which was the accusation of Publius Servilius the augur, who had been the accuser of the father of one or both of them; see Cicero, Acad. Quæst. iv. init.; Plutarch in Lucull. init. *Spalding.*

* *Qui judicio decernent.*] That is *litigantes*, as Capperonier rightly interprets the words; comp. x. 1, 29. I should scarcely have thought this worth notice, had I not observed that Gedoyn understands *the judges*. Spalding.

† C. 1, sect. 36, seqq.

8. Whether an orator ought always to plead *gratuitously*, is a question which admits of discussion, and which it would be mere inconsiderateness to decide at once, and without reflection; for who is ignorant that it is by far the more honourable, and more worthy of the liberal arts and of the feelings which we expect to find in an orator, not to set a price on his efforts, and thus lower the estimation of so great a blessing as eloquence, as many things seem worthless in the eyes of the world for no other reason than that they may be purchased? 9. This, as the saying is, is clear enough even to the blind; nor will any pleader who has but a competency for himself, (and a little will suffice for a competency,) make a gain of his art without incurring the charge of meanness. But if his circumstances demand something more for his necessary requirements than he actually possesses, he may, according to the opinions of all wise men, allow a recompence to be made him; since contributions were raised for the support even of Socrates;* and Zeno, Cleanthes, and Chrysippus took fees from their scholars. 10. Nor do I see any more honourable way of gaining support than by the practice of a noble profession, and by receiving remuneration from those whom we have served, and who, if they made no return, would be unworthy of defence. Such a return, indeed, is not only just, but necessary, as the very labour and time devoted to other people's business precludes all possibility of making profit by any other means. 11. But in this respect also moderation is to be observed; and it makes a great difference from whom an orator receives fees, and how many, and for how long a time.† The rapacious practice of making bargains, and the detestable traffic of those who ask a price proportioned to the risk of their clients, will never be adopted even by such as are but moderately dishonest, especially when he who defends good men and good causes has no reason to fear that any one whom he

* Let no one suppose that this assertion is at variance with what is stated in the sixth chapter of the first book of Xenophon's Memorabilia of Socrates; for the pay, on which the sophists lived luxuriously, differed greatly from a small contribution, given only when necessary, for the very simplest maintenance. Such a contribution seems to be indicated by the very obscure words of Aristoxenus given in Diogenes Laertius, ii. 20. *Spalding.*

† He is not to continue to demand fees, after he has been enriched by the patronage which he has received. *Spalding.*

defends will be ungrateful; or, if such should be the case, I had rather that the client should be in fault than the pleader. 12. The orator, therefore, will entertain no desire of gaining more than shall be just sufficient, and, even if he be poor, will not receive anything as pay, but will consider it merely as a friendly acknowledgment of service, being conscious that he has conferred much more than he receives. Benefits of such a nature, because they are not to be sold, are not therefore to be thrown away; and it belongs to the obliged party to show gratitude.

CHAPTER VIII.

The orator must study a cause well before he ventures to plead it; he must examine all documents connected with it, and thoroughly weigh the statements of his client.

1. The next thing to be considered is the mode of *studying a cause*, which constitutes the foundation of pleading; for no speaker can be imagined of such extremely slender powers, as, when he has carefully ascertained every particular in a cause, to be unable to state it at least to the judge. 2. But very few orators take sufficient trouble in this respect; for, to say nothing of those who are utterly careless, and who give themselves no concern on what the success of a cause depends, if there be but points which, though wholly unconnected with the case, but relating to characters involved in it, and leading to the usual flourishes on common-place topics, may afford them an opportunity for noisy declamation, there are some also whom vanity perverts, and who, (partly pretending that they are constantly occupied, and have always something which they must first dispatch, tell their client to come to them the day, or the very morning, before the trial, and sometimes even boast that they received their instructions while the court was sitting; 3. or, partly assuming a show of extraordinary ability, that they may be thought to understand things in a moment, making believe that they conceive and comprehend almost before they hear,) after they have chanted forth, with wonderful eloquence, and the loudest clamours of applause from

their partizans, much that has no reference either to the judge or to their client, are conducted back, in a thorough perspiration, and with a long train of attendants, through the forum.

4. Nor can I tolerate the foppishness of those who desire that their *friends* should be instructed in the causes which they have to plead; though, indeed there may be less harm done in this case, if the friends learn accurately and repeat accurately. But who will learn a cause with the same care as the pleader himself? How can the depositary, the mere instrument of communication in cases,* bestow his attention contentedly on other men's causes, when, even to those who are going to plead, their own causes are of so little moment?

5. But the most pernicious practice of all is, for an orator to be content with written memorials, which either the party who has recourse to an advocate, because he is unable to conduct his own cause, has drawn up, or which some one of that class of advocates has composed, who confess that they are incapable of pleading, and yet undertake that which is the most difficult part of a pleader's business. For why should not he, who can judge what ought to be said, what ought to be suppressed, or altered, or imagined, stand forth as an orator himself, when, what is far more difficult, he makes an orator? 6. Such composers of memorials, however, would be less mischievous, if they wrote down everything merely as it occurred; but they add motives and colouring, and inventions that do more harm than the plain truth;† and most of our orators, when they receive these farragos, think it wrong to make any change in them, but adhere to them as strictly as to cases proposed in the schools.‡ The consequence is, that they find themselves deceived, and learn the cause, which they would not learn from their own client, from the advocates of the opposite party. 7. Let us allow plenty of time, then, and a place of interview free from interruption, to those who shall have occasion to consult us, and let us earnestly exhort them to state every particular off hand, however verbosely, or however far they may wish to go back; for it is a less inconvenience to listen to what is

* *Media litium manus.*] Compare xi. 2, 3.

† *Aliqua pejora veris.*] While they endeavour to throw into the shade the *true* difficulties in a cause, they often introduce, through want of skill, what is far more injurious than the truth would be. This is Rollin's view of the words. He takes *veris* for a dative, but, as it appears, without necessity.

‡ See iv. 2, 28.

superfluous than to be left ignorant of what is essential. 8. Frequently, too, the orator will find both the evil and the remedy in particulars which to the client appeared to have no weight on either side of the question. Nor should a pleader have so much confidence in his memory as to think it too great trouble to write down what he hears.

Nor should he be content with hearing only once; the client should be required to repeat the same things again and again; not only because some things might have escaped his memory at the first recital, especially if he be, as is often the case, an illiterate person; but also that we may see whether he tells exactly the same story; for many state what is false, and, as if they were not stating their case but pleading it, address themselves, not as to an advocate, but as to a judge. 9. We must never therefore place too much reliance on a client; but he must be sifted, and cross-examined, and obliged to tell the truth; for as, by physicians, not only apparent ailments are to be cured, but even such as are latent are to be discovered, even though the persons who require to be healed conceal them, so an advocate must look for more than is laid before him. 10. When he has exercised sufficient patience in listening, he must assume another character, and act the part of the adversary; he must state whatever can possibly be imagined on the other side, and whatever the nature of the case will allow in such a discussion of it. The client must be questioned sharply, and pressed hard; for, by searching into every particular, we sometimes discover truth where we least expected to find it.

11. In a word, the best advocate for learning the merits of a cause is he that is least credulous; for a client is often ready to promise everything; offering a cloud of witnesses,* and sealed documents quite ready,† and averring that the adversary himself will not even offer opposition on certain points. 12. It is therefore necessary to examine all the writings relating to a case; it is not sufficient to inspect them; they must be read through; for very frequently they are either not at all such as they were asserted to be, or they contain less than was stated, or

* *Testem populum.*] Il a la faveur du peuple. *Gedoyn.* He has the whole world on his side, according to his own statement.

† *Paratissimas consignationes.*] See Turneb. Adv. ii. 27. These *consignationes* are sealed documents given in evidence, of which Quintilian speaks in b. v. c. 7. In the third chapter of this book, sect. 5. he calls them *testationes.* Capperonier. Comp. Cicero pro Quint. F. c. 6.

they are mixed with matters that may injure the client's cause, or they say too much, and lose all credit from appearing to be exaggerated. 13. We may often, too, find a thread broken,* or wax disturbed,† or signatures without attestation; all which points, unless we settle them at home, will embarrass us unexpectedly in the forum; and evidence which we are obliged to give up will damage a cause more than it would have suffered from none having been offered.

14. An advocate will also bring out many points which his client regarded as having no bearing on the case, if he but go over all the grounds which I have previously specified for arguments;‡ and as it will be by no means convenient to review all these, and try them one by one, while we are pleading, for the reasons which I have given,§ so, in studying a cause, it will be necessary to examine minutely what sort of characters are concerned in it, what times, or places, or practices,‖ or documents, have any reference to it, and all other particulars, from which not only artificial proofs¶ may be drawn, but it may be ascertained what witnesses are to be feared, and how they are to be refuted; for it makes a great difference whether an accused person suffers under envy, or dislike, or contempt, of which the first is generally directed against superiors, the second against equals, and the third upon inferiors 15. After having thus thoroughly examined a cause, and brought before his eyes everything that may promote or hinder its success, let him, in the third place, put himself in the place of the judge, and imagine the cause to be pleaded before him; and whatever arguments would move him most if he had really to pass sentence on the matter, let him suppose that those arguments will have most effect upon any judge before whom it may be brought. Thus the result will seldom deceive him; or, if it does, it will be the fault of the judge.

* *Linum ruptum.*] The thread which was passed three times round the document, and affixed to it with a seal. Gesner refers to Paullus, Sent. v. 25, 25; Sueton. Ner. c. 17.

† *Turbatâ cerâ.*] Burmann reads *turbatam ceram*, with Salmasius de Mod. Usur. p. 451. To the ablative, however, as Spalding observes, there is no objection in regard to construction.

‡ B. v. c. 10.

§ V. 10, 125; comp. Cic. de Orat. ii. 34. *Gesner.*

‖ *Instituta.*] This word must be understood as referring to customs, habits, and modes of pleading among the people where the cause is tried. *Spalding.*

¶ B. v. c. 1.

CHAPTER IX.

Applause not to be too eagerly sought, § 1—7. Invectives to be but sparingly introduced into a speech, 8—13. How far an orator should prepare himself by writing his speech; he must qualify himself to reply extempore to objections that may be suddenly started, 14—21.

1. What is to be observed in pleading a cause, I have been employed in showing through almost the whole of the work; yet I shall here notice a few things which properly fall under this head, and which relate not so much to the art of oratory in general, as to the duties of the orator personally. 2. Above all things, let not the desire of temporary praise draw off his attention, as is the case with many, from the interest of the cause which he has undertaken; for as the troops of generals conducting a war are not always to be led through level and pleasant plains, but rugged hills are often to be ascended, and towns, situate on rocks of the greatest possible steepness, and scarcely accessible through the strength of their fortifications, require to be stormed; so eloquence will delight in an opportunity of flowing in a more free course than ordinary, and, engaging on fair ground, will display all its powers to gain public praise; 3. but if it shall be called to trace the intricacies of law, or to penetrate into hiding-places for the sake of discovering truth, it will not then make showy manœuvres, or use brilliant and pointed thoughts as missile weapons, but it will carry on its operations by mines, and ambuscades, and every kind of secret artifice. 4. These stratagems, however, are commended, not so much while they are being practised, as after they have been practised; and hence also greater profit falls to those who are less eager for applause;* for when the absurd parade of eloquence has brought its thunders among its partisans to a close, the credit of genuine merit appears with greater effect; the judges will not fail to show by which speaker they have been most impressed; respect will be paid to the truly learned; and the real merit of a speech will be sure to be acknowledged when it is ended.

5. Among the ancients, indeed, it was a practice to dissemble

* *Minùs cupidis opinionis.*] *Opinio* for *fama*, in which sense it had begun to be used in the time of Quintilian, and is constantly used by Justin. See Spalding on ii. 12, 5, and comp. sect. 7.

the force of their eloquence ;* a practice which Marcus Antonius recommends,† in order that more credit may be given to speakers, and that the artifices of advocates on behalf of their clients may be less suspected. But such eloquence as then existed might well be concealed ; for such splendour of oratory had not then risen as to break through every intervening obstacle. However, art and design, and whatever loses its value when detected, should certainly be masked. So far, eloquence has its secrecy. 6. As to choice of words, force of thoughts, and elegance of figures, they are either not in a speech, or they must appear in it ; but they are not, because they must appear, to be displayed ostentatiously ; and, if one of the two is to be preferred, let the cause be praised rather than the pleader. Still the true orator will make it his object that he may be thought to have pleaded an excellent cause in an excellent way. Certain it is, that no man pleads worse than he who pleases while his cause displeases ; for that which pleases in his speech must necessarily be foreign to the cause.

7. Nor will an honourable orator be infected by the fastidious disdain of pleading inferior causes, as if they were beneath him, or as if a subject of little dignity would detract from his reputation ; for regard to duty will amply justify him for undertaking such causes. He ought also to desire that his friends may have as few lawsuits as possible ; and whoever has defended a cause successfully, of whatever nature it be, has proved himself sufficiently eloquent.

8. But some pleaders, if they happen to undertake such causes as require, in reality, but moderate powers of eloquence, envelope them in a variety of extrinsic matter, and, if other resources fail, fill up the vacancies in their subject with invectives ; urging just ones perhaps, if they occur, if not, such as they can imagine ; caring little, indeed, provided that there be exercise for their wit, and that they gain applause while they continue speaking. 9. But this is a practice which I consider so utterly at variance with the character of a perfect orator, that I think he would not even utter just invectives, unless his cause absolutely

* See iv. 1, 9.

† Cicero de Orat. ii. 1. "Antonius thought that his oratory would be better received by the people of Rome if he were believed to have had no learning at all."

require him to do so; for it is mere *canine eloquence*,* as Appius says, that subjects itself to the charge † of being slanderous; and they who practise it ought previously to have acquired the power of enduring slander; since retaliation is often inflicted on those who have pleaded in such a style; or the client at least suffers for the virulence of his advocate. But what appears outwardly, is small in comparison with the malice of the mind within; for an evil speaker differs from an evil-doer only in opportunity. 10. A base and inhuman gratification, acceptable to no good man among the audience, is often required by clients, who think more of revenge than of the defence of their cause.. But this, as well as many other things, is not to be done according to their pleasure; for what man indeed, possessed of the least portion of liberal spirit, could endure to utter abuse at the pleasure of another?

11. Yet some take pleasure in inveighing against the advocates of the opposite party; but this, unless they happen to have deserved reproof, is an ungenerous violation of the common duties of the profession; it is a practice useless, too, to those who adopt it, (for similar liberty of attack is allowed to the respondents,) and it is detrimental to their cause, for their adversaries are thus rendered real enemies, and whatever power they have is provoked to double efforts by insult. 12. But what is worst of all, that modesty, which gains the eloquence of an orator so much authority and credit, is altogether lost if he degrade himself from a man of high feeling into a brawler and barker,‡ adapting his language, not to the feelings of the judge, but to the resentment of his client. 13. Frequently, too, the seductions of such liberty lead to rashness, dangerous not only to the cause, but to the speaker; nor was it without reason that Pericles§ wished no word might ever enter into his mind at which the people could be offended. But the regard which he paid to the people, I think that the orator

* *Canina eloquentia.*] What Appius this was, is uncertain. Spalding supposes it may have been Appius Claudius Cæcus. *Caninâ, ut ait Appius, facundiâ*, is cited by Nonius Marcellinus, v. *Rabula*, from Sallust.

† *Cognituram.*] This is the reading of most of the manuscripts; it was altered by editors into *censuram*, but restored by Spalding. There is only one other example of the word, in Suet. Vitell. c. 2.

‡ *Latratorem.*] *Latrant jam quidam oratores, non loquuntur.* Cicero Brut. c. 15.

§ Plutarch, Vit. Pericl.

ought to pay to every audience before whom he appears, as they can do him quite as much harm as the people could do Pericles; and what appears spirited when it is uttered, is called foolish when it has given offence.

14. As orators, for the most part, study each a particular manner, and as the cautiousness of one is imputed to dulness, while the readiness of another is ascribed to presumption, it appears by no means improper to state what sort of middle course I think that an orator may observe between the two. 15. He will, in the first place, always give to the cause which he has to plead as much preparation as he can; for it is characteristic indeed, not only of a negligent, but of an unprincipled advocate, treacherous and faithless to the matter which he undertakes, not to plead as well as he can. For this reason he must not take upon himself more causes than he is certain that he can fairly support. 16. He will utter, as far as his subject will allow, nothing but what he has written, or, as Demosthenes says,* *hewn into shape.* But this only the first hearing of a cause, or such as are granted on public trials† after an interval of certain days, will allow; when a speaker has to reply at once to objections suddenly started, full preparation cannot be made; so that it is even injurious to those who are rather slow to have written their matter, if something arises from the opposite party different from what they had expected. 17. For they cannot readily depart from what they had premeditated, and look back through all their composition, trying to ascertain if any part can be snatched from it, and united with what they are going to say extempore; but, even if this be practicable, there will be no proper coherence, and the patching will be visible, not only from the opening of the seams, as in a piece of work ill-joined, but from the difference of com

* I have not discovered where. But Plutarch, in his Life of Demosthenes, states much that shows how unwilling he was to speak extempore, and how in that respect he imitated Pericles. *Gesner.*

† *In publicis judiciis.*] On *private trials*, or trials regarding inferior matters, there was but one regular pleading, the *prima actio*, in which the cause was stated to the judges; all else was done by altercation. (B. vi. c. 4.) On *public trials* there was greater solemnity and ceremony; and if, in the *prima actio*, many particulars were advanced by one party that required a studied refutation, a second *actio* was allowed after an interval of some days, when both parties might argue the case in speeches which they had premeditated. *Spalding.*

plexion in the style. 18. Thus there will be neither fluency, nor elegant compactness, in what they say; and the different parts will but hamper one another; for what was written will still fetter the mind, instead of yielding itself to the mind's influence. 19. In such pleadings therefore, we must *stand* as the husbandmen say, *on all our feet;** for as every case consists of a statement and a refutation, what belongs clearly to our own part may be written; and of what it is certain that the adversary will reply (for it is sometimes certain) a refutation may be prepared with equal solicitude. But as to all other points, there is but one kind of preparation that we can make, namely, *to gain a thorough knowledge of the cause;* something farther indeed we may gain at the time of the trial, by listening attentively to the advocate of the opposite party. 20. We may, however, anticipate much that may occur, and prepare ourselves for emergencies; and this is indeed a safer method than writing, as first thoughts may thus more easily be abandoned, and the attention directed to something else.

21. But whether an orator has to speak extemporaneously in reply, or whether any other cause obliges him to do so, he will never find himself at a loss or disconcerted, if discipline and study and exercise have given him the accomplishment of facility; and, as he is always armed, and standing prepared as it were for battle, the language of oratory will no more fail him in supporting a cause than the language of ordinary conversation on daily and domestic subjects; nor will he ever shrink from his task under such an apprehension, provided that he has time for studying the cause; for everything else he will easily command.

* *Omni pede standum est.*] A Greek proverb, ὅλῳ ποδί, said by Suidas to mean ὅλῃ δυνάμει, with a person's whole strength. Spalding supposes that, as used by husbandmen, it signified that they should not depend on one crop, or on attention to one thing, but should have recourse to every possible means of increasing their profit from their land. It seems to have been of a similar character with our common saying, "We must have all our eyes about us."

CHAPTER X.

Of different styles of oratory; comparison of the varieties in eloquence with those in painting and sculpture, § 1—9. Characters of several Latin orators, 10, 11. Merits of Cicero, 12—15. Styles of the Attic, Asiatic, and Rhodian orators, 16—19. Remarks on the true merits of Attic eloquence, and on those who injudiciously affected it, 20—26. The Romans were excelled by the Greeks only in delivery; cause of the inferiority of the Romans in this respect, 27—34. The Romans exhorted to cultivate force of thought and brilliancy of language, 35—39. Folly of those who would reject all ornament, 40—48. Whether a difference should be made in the styles of speaking and writing, 49—47. Of the simple, grand, and florid styles, 58—68. Many varieties and mixtures of these styles, 69—72. Of corrupt taste in eloquence, 73—76. A good style may be acquired by study and practice; but we must carry no fancied excellence to excess, 77—80.

1. It remains for me to speak of *the style* of oratory. This, in the first division of my work,* was proposed as the third part of it; for I undertook to treat of *the art*, *the artificer*, and *the work*. But as oratory is the work of the art of rhetoric and of the orator, and there are, as I shall show, many forms of it, the influence of the art and the artificer is apparent in all those forms; yet they differ very much one from another, not only in *species*, as one statue differs from another, one picture from another, and one speech from another, but in *genus*, as Tuscan statues from Grecian,† and Asiatic eloquence from Attic.‡ 2. Yet these several kinds of work, of which I am speaking, have not only their artificers, but also their admirers, and it is for this reason, possibly, that there has not yet appeared a perfect orator, and that perhaps no art has reached its full perfection, not only because certain qualities are more prominent in some individuals than in others, but because the same form is not to all equally attractive, partly from the influence of circumstances and countries, and partly from varieties in the judgment and objects of each particular person.

3. The first painters of eminence, whose works deserve to be regarded for any other quality than their antiquity,

* II. 14, 5.

† The Tuscan being of a ruder character. See sect. 7. Many, however, suppose, as Spalding observes, that the art of statuary was introduced into Tuscany by colonists from Greece.

‡ See sect. 16.

were Polygnotus and Aglaophon,* whose simple colouring even now finds such ardent admirers, that they prefer these imperfect rudiments of an art that was *still*, as we may say, *to be*, to the performances of the greatest masters that arose after them; but this preference, as it appears to me, is given only from an affectation of superior intelligence. 4. Subsequently Zeuxis and Parrhasius, who were very nearly contemporaries, as they both flourished about the time of the Peloponnesian war, (for a dialogue of Socrates with Parrhasius is to be found in Xenophon,†) contributed much to the improvement of the art. Zeuxis is said to have found out the management of light and shade; Parrhasius to have studied outline with great accuracy. 5. Zeuxis gave the human body more than its natural fulness, thinking that he thus added to its nobleness and dignity, and, as it is supposed, adopting that idea from Homer, whose imagination delighted in the amplest figures, even in women. Parrhasius was so exact in all his figures, that they call him the *legislator of painting*, since other painters follow, as a matter of obligation, the representations of gods and heroes just as they were given by him. 6. Painting flourished most, however, about the reign of Philip, and under the successors of Alexander; but with different species of excellence; for Protogenes was distinguished for accuracy, Pamphilus and Melanthius for judgment, Antiphilus for ease, Theon of Samos for producing imaginary scenes, which the Greeks call φαντασίαι, and Apelles for genius and grace, on which he greatly prided himself. What made Euphranor remarkable, was, that while he was among the most eminent in other excellent attainments, he was also a great master both of painting and statuary.

7. There was similar variety in regard to sculpture; Callon ‡ and Hegesias § made rude statues, like the Tuscan;‖ Calamis

* Aglaophon was a native of the island of Thasos, and is said by Suidas to have been the father of Polygnotus, who, according to Pliny, H. N. xxxv. 9, flourished before the nineteenth Olympiad, or B.C. 412.

† Mem. Soc. iii. 10.

‡ A native of the island of Ægina, who flourished about B.C. 516. See Pausan. ii. 32; vii. 18. We have no knowledge of more than two of his works; a statue of Proserpine, and a Minerva carved in wood.

§ A contemporary of Callon. That he was the same with Hegias, is, though not certain, very probable. See Smith's Dict. of Biog. and Mythol.

‖ Sect. 1.

produced some that were less inelegant; and Myron such as were of a softer character than those of any of his predecessors Accuracy and grace were highly conspicuous in Polycletus, to whom pre-eminence in the art is allowed by most critics; yet, that they may not grant him every excellence, they intimate that his figures were deficient in dignity; for though he gave supernatural grace to the human form, he is said not to have adequately expressed the majesty of the gods. 8. The representation of old age, too, he is said to have declined, and to have attempted nothing beyond a smooth cheek. But what was wanting in Polycletus, is said to have been fully exhibited in Phidias and Alcamenes.* 9. Phidias, however, is thought to have been a better sculptor of gods than of men; certainly in ivory he was far beyond any rival, even if he had produced nothing more than his Minerva at Athens, and his Olympian Jupiter at Elis, the majesty of which is thought to have added something to the impressiveness of the received religion; so exactly did the nobleness of that work represent the god. In adhering to nature Lysippus and Praxiteles are said to have been most successful; as for Demetrius,† he is censured for too much exactness in that respect, having been fonder of accurate likeness than of beauty.

10. So it is with oratory. If we contemplate the varieties of it, we find almost as much diversity in the minds as in the bodies of orators. There were some forms of eloquence of a rude nature, in agreement with the times in which they appeared, but indicating mental power in the speakers; among whom we may number the Lælii, Africani, Catos, and Gracchi; and these we may call the Polygnoti and Callones of oratory. Of the middle kind Lucius Crassus and Quintus Hortensius may be thought the chief representatives. 11 There may be contemplated a vast multitude of orators, all flourishing about the same time. Among them we find the energy of Cæsar,‡ the natural talent of Cælius,§ the subtilty of Calidius,‖ the accuracy of Pollio,¶ the dignity of Messala,** the austerity of Calvus,†† the gravity of Brutus,‡‡ the acute-

* An Athenian who flourished about B.C. 420; he was a pupil of Phidias. Plin. H. N. xxxvi. 5; Pausan i. 20; v. 10.

† He probably lived about the time of Pericles, or soon after.

‡ X. 1, 114. § X. 1, 115. ‖ X. 1, 23. ¶ X. 1, 113.

** X. 1, 113. †† X. 1. 115. ‡‡ X. 1, 123.

ness of Sulpicius,* and the severity of Cassius.† Among those, also, whom we have ourselves seen, we recollect the copiousness of Seneca,‡ the force of Julius Africanus,§ the mature judgment of Domitius Afer,‖ the agreeableness of Crispus,¶ the sonorous pronunciation of Trachalus,** and the elegance of Secundus.

12. But in Cicero we have not merely a Euphranor, distinguished by excellence in several particular departments of art, but eminent in every quality that is commended in any orator whatever. Yet the men of his own time presumed to censure him as timid, Asiatic, redundant, too fond of repetition, indulging in tasteless jests, loose in the structure of his sentences, tripping †† in his manner, and (what is surely very far from truth) almost too effeminate in his general style for a man. 13. And after that he was cut off by the proscription of the triumvirs, those who had hated, envied, and rivalled him,‡‡ and who were anxious to pay their court to the rulers of the day, attacked him from all quarters, when he was no longer able to reply to them. But the very man who is now regarded by some as meagre and dry, appeared to his personal enemies, his contemporaries, censurable only for too flowery a style and too much exuberance of matter. Both charges are false, but for the latter there is the fairer ground.‡

14. But his severest critics were those who desired to be thought imitators of the Attic orators. This band of calumniators, as if they had leagued themselves in a solemn confederacy, attacked Cicero as though he had been quite of another country, neither caring for their customs nor bound by their laws; of which school are our present dry, sapless, and frigid orators. 15. These are the men who give their meagreness the name of health, which is the very opposite to it; and who, because they cannot endure the brighter lustre of Cicero's eloquence, any more than they can look at the sun, shelter

* X. 1, 116. ‡ X. 1, 116. ‡ X. 1, 125.
§ X. 1, 118. ‖ X. 1, 118. ¶ X. 1, 121.
** See c. 5, sect. 5, and x. 1, 119.
†† *Exultantem.*] ix. 4, 108; x. 2, 16.
‡‡ Endeavoured to equal him, not in virtue and merit, but in reputation and popularity; as Hortensius, xi. 3, 8. *Buttmann.*
§§ *Illa mentiendi propior occasio.*] Spalding left a note on this passage, in which he expressed his opinion that *illa* is the accusative plural; and Buttmann agrees with him.

themselves under the shade of the great name of Attic oratory. But as Cicero himself has fully answered such critics, in many parts of his works, brevity in touching on this point will be the rather excusable in me.

16. The distinction between *Attic* and *Asiatic* orators is indeed of great antiquity; the Attics being regarded as compressed and energetic in their style, the Asiatics as inflated and deficient in force; in the Attics it was thought that nothing was redundant, in the Asiatics that judgment and restraint were in a great measure wanting. This difference some, among whom is Santra,* suppose to have arisen from the circumstance that, when the Greek tongue spread itself among the people of Asia nearest to Greece, certain persons, who had not yet acquired a thorough mastery over the language, desired to attain eloquence, and began to express some things, which might have been expressed closely,† in a periphrastic style, and afterwards continued to do so. 17. To me, however, the difference in the character of the speakers and their audiences, seems to have caused the difference in their styles of oratory; for the people of Attica,‡ being polished and of refined taste, could endure nothing useless or redundant; which the Asiatics, a people in other respects vain and ostentatious, were puffed up with fondness for a showy kind of eloquence. 18. Those who made distinctions in these matters soon after added a third kind of eloquence, the *Rhodian*, which they define to be of a middle character between the other two, and partaking of each; for the orators of this school are not concise like the Attics, nor exuberant like the Asiatics, but appear to derive their styles partly from the country, and partly from their founder; 19. for Æschines, who fixed on Rhodes for his place of exile,§ carried thither the accomplishments then studied at Athens, which, like certain plants that dege-

* A grammarian, of whom little is known but his name. He is cited by Festus and Paulus.

† *Quæ propriè signari poterant.*] That is, if the Asiatics had had a greater knowledge of the Greek language. What, in their ignorance, they could not express exactly, they gave in a circumlocution.

‡ See sect. 35.

§ That Æschines opened a school of rhetoric at Rhodes, is related by very good authors, as Plutarch in his Life of Demosthenes, and Philostratus, Vit. Sophist. i. 18, 2; and see Phot. Cod. 61 and 264. *Ruhnken.*

nerate when they are removed to a foreign climate and soil, formed a union of the Attic flavour with that of the country to which they were transplanted The orators of the Rhodian school are accordingly accounted somewhat deficient in vigour and spirit, though nevertheless not without force, resembling, not pure springs, nor turbid torrents, but calm floods.

20 Let no one doubt, then, that of the three styles, that of the Attics is by far the best. But though there is something common to all that have written in this style, namely, a keen and exact judgment, yet there are great varieties in the characters of their genius. 21. Those, therefore, appear to me to be very much mistaken, who think that the only Attic orators are such as are simple, clear, expressive, restricting themselves, as it were, to a certain frugality in the use of their eloquence, and always keeping their hand within their cloak.* For who shall be named as such an Attic orator? Suppose it be Lysias; for the admirers of that style recognize him as a model of it.† But may we not as well, then, be sent to Coccus and Andocides?‡ 22. Yet I should like to ask whether Isocrates spoke after the Attic manner; for no one can be more unlike Lysias. They will say that he did not; yet his school sent forth the most eminent of the Greek orators. Let us look, then, for some one more like Lysias. Was Hyperides Attic? Doubtless. Yet he studied agreeableness of style more than Lysias. I say nothing of many others; as Lycurgus,§ Aristogeiton,‖ and their predecessors, Isæus and Antiphon,¶ whom, though resembling each other in kind, we

* Which was a sign of modesty and sedateness. Compare xi. 3, 138. "Orators who spoke with animation and vehemence," says Turnebus, "used to extend and flourish about the arm."

† *Istius nominis modum.*] Mensuram omnis ejus, quod Atticum vocari debeat, aiunt esse Lysiam. *Gesner.*

‡ *Non igitur jam usque ad Coccum et Andocidem remittemur?*] Andocides is well known as one of the ten Attic orators mentioned by Plutarch and others. He was contemporary with Alcibiades, who mutilated the statue of Hermes at his gate The name of Coccus is more obscure. He is said by Suidas to have been a scholar of Isocrates. Quintilian does not allude to these two orators as more ancient, but *more Attic*, than Lysias.

§ A scholar of Isocrates, One oration of his, and some fragments of others, are extant.

‖ An adversary of Demosthenes, surnamed "the dog," from the coarse character of his eloquence.

¶ Of whom Thucydides was a pupil. Fifteen of his orations are extant.

should call different in species. 23. What was Æschines, whom I just now mentioned? Was he not broader, and bolder, and loftier in style than they? What, to come to a conclusion, was Demosthenes? Did he not surpass all those dry and cautious speakers in force, sublimity, animation, polish, and structure of periods? Does he not elevate his style by moral observations? Does he not delight in figures? Does he not give splendour to his language by metaphors? Does he not attribute, by figurative representations, speech to inanimate objects? 24. Does not his oath by the defenders of his country, slain at Marathon and Salamis,* plainly show that Plato was his master? and shall we call Plato an Asiatic, a man comparable in so many respects to the bards of old, fired with divine inspiration? What shall we say of Pericles? Shall we pronounce him similar to the unadorned Lysias, him whose energy the comic writers, even while they ridicule him, compare to thunder and lightning from heaven?

25. What is the reason, then, that they imagine the Attic taste to be apparent in those only who flow, as it were, like a slender stream of water making its way through pebbles? What is the reason that they say the odour of thyme arises only from among them?† I suppose that if they find in the neighbourhood of those orators any piece of ground more fertile, or any crop more luxuriant than ordinary, they will deny that the soil is Attic, because it reproduced more than it has received, when Menander jestingly says that exact fidelity is the characteristic of Attic ground.‡ 26. So, if any one shall add to the excellences which that great orator Demosthenes had, those which appear, either naturally or by the law of his country,§ to have been wanting to him, and shall display in himself the power of strongly exciting the feelings, shall I

* Comp. ix. 2, 62.

† In allusion to the abundance of thyme on Mount Hymettus.

‡ *Quia hanc ejus terræ fidem Menander eludit.*] Menander seems to have jested on the fidelity or honesty of the Attic soil, which returned what was deposited in it *cum fide*, not *cum fœnore*. Gesner. The passage of Menander to which the text appears to allude, is preserved by Stobæus, Serm. 55 But Quintilian, observes Buttmann, has applied to the whole of Attica what Menander puts into the mouth of a poor husbandman regarding his own small farm.

§ As, by the law of Athens, orators were prohibited from exciting the feelings of the judges. See ii. 16, 4.

hear some critic say, *Demosthenes never did so?* Or if any periods shall be produced more harmonious than his, perhaps none can be, but still if any should,* will it be said that they are not Attic? Let these censors judge more favourably of this distinction, and be convinced that *to speak in the Attic style is to speak in the best style.*† 27. And yet I would sooner bear with Greeks than Latins persisting in this opinion.

The *Latin eloquence*, though it appears to me on a level with the Greek in invention, arrangement, judgment, and other qualities of that kind, and seems to be, indeed, in all respects its pupil, yet in regard to *elocution*, it scarcely has the power even of imitation; for, first of all, it has more of harshness in the sound of its words; as we are quite destitute of two of the most euphonious letters of the Greeks, one a vowel, the other a consonant,‡ than which indeed none even of theirs sound more sweetly, and which we are in the habit of borrowing whenever we adopt any of their words. 28. When this is the case, our language, I know not how, immediately assumes a more pleasing tone, as, for example, in using the words *Ephyri* § and *Zephyri;* for if these words are written in our characters,‖ they will give something of a dull and barbarous sound, as there will be substituted, in the place of agreeable letters, those harsh repulsive letters with which Greece is utterly unacquainted. 29. For that which is the sixth of our letters ¶ requires to be uttered with a voice scarcely human, or rather not with a voice at all, between the lower teeth and the upper lips;** a letter which, even

* *Si quid exierit numeris aptius; fortasse non possit; sed tamen si quid exierit.*] An allusion, as Badius Ascensius observes, to the lines of Persius:

Non ego quum scribo, si forte quid aptius exit;
Quando hæc rara avis est; si quid tamen aptius exit,
Laudari metuam.

† The judgment of Cicero on the Attics was, as Valla remarks, somewhat different; see Brut. c. 84, where it is said that "not all who speak in the Attic style speak well, though all who speak well have something of the Attic style." See also De Opt. Gen. Orat. c. 4. *Buttmann.*

‡ Υ and Φ, as appears from *Ephyri* and *Zephyri* below.

§ I suppose this to be the name of a people. *Buttmann.*

‖ F and V. *Buttmann.* ¶ F.

** *Inter discrimina dentium*] Literally "between the openings or interstices of the teeth." "Par le moyen de l'air que nous poussons avec violence entre nos dents." *Gedoyn.*

when it takes a vowel next to it, has something of a harsh sound, and when it unites with any consonant,* as in the word *frangit*, produces a sound still harsher. Of the Æolic letter,† also, which we use in saying *servus* and *cervus*, though we reject the shape, yet the sound adheres to us. 30. That letter,‡ too, which is of use only for joining vowels that follow it, being otherwise quite superfluous, forms harsh syllables, as when we write *equos* and *equum*, especially as the two vowels give such a sound as is quite unknown to the Greeks, and accordingly cannot be expressed in Greek letters. 31. Besides we close many of our words with the letter *m*, which has a sound something like the lowing of an ox, and in which no Greek word terminates; since they put in place of it the ν, which has an agreeable, and, especially at the end of a word, a kind of ringing sound; a letter which is rarely put at the close of a word with us. 32. Moreover we have syllables ending in *b* and *d*, so disagreeable, that most even of our old writers (not indeed our oldest, but still writers of antiquity,) attempted to soften them, not only by saying *aversus* for *abversus*, but by adding to the *b* in the preposition an *s*, which is itself an unpleasantly sounding letter.

33. But we find our accents also less agreeable than those of the Greeks, as well from a certain rigidity in our pronunciation,‖ as from want of variety; for with us the last syllable of a word is never raised with an acute accent, or flattened with a circumflex, but a word always ends with one or two grave accents.§ So much more pleasing, in consequence, is the Greek tongue than the Latin, that our poets, whenever they wish their verse to be particularly melodious, grace it with a number of Greek words. 34. But what is a still stronger proof of the inferiority of our tongue is, that many things are with-

* *Quotics aliquam consonantem frangit.*] See note on i. 4, 11. The sense of the word *frango*, in such phrases, is, as Scheller observes in his Lexicon, "weakens;" thus the two consonants, *f* and *r*, as they are united in the word "frangit," mutually weaken each other's sound.

† The digamma. ‡ Q.

§ *Rigore quodam.*] This *rigor* I suppose to have been inherent in the pronunciation of Latin. Our ears are not sensible of it. *Buttmann.*

‖ *In gravem vel duas graves cadit semper.*] Buttmann thinks that the word *vox* should be inserted after *graves*. "In a *grave*, when the penultimate, being long, has the stress on it; in *two graves*, when the penultimate is short, and the stress is thrown back on the antepenultimate." *Gesner.*

out proper terms,* so that we are obliged to express them by metaphor or circumlocution; and even in regard to those which have names, the great poverty of our language very often forces us upon repetitions, while the Greeks have not only abundance of words, but even of dialects varying one from another.

35. He, therefore, that shall require from the Latin the graces of the Attic tongue, must give it a similar sweetness of tone, and a similar abundance of words. If this be impossible, we must adapt our thoughts to the words which we have, and not clothe extremely delicate matter in phraseology which is too strong, not to say too gross, for it, lest the excellences of both † be diminished by the union. 36. The less able our language is to assist us, the more efforts we must make in the production of thought. Sublime and varied conceptions must be brought forth. Every feeling must be excited, and our speech illumined by the splendour of metaphor. We cannot be so plain as the Greeks; ‡ let us be more forcible. We are excelled by them in refinement; let us surpass them in weight. Exactness of expression is more surely attained by them; let us go beyond them in fulness. 37. The Greek geniuses, even those of inferior degree, have their proper seaports; § let us be impelled, in general, with larger sails, and let stronger breezes swell our canvas; but not so that we may always steer out to the deep sea, for we must sometimes

* *Res plurimæ carent appellationibus.*] Let those who doubt this, try to render in the same number of words that passage of Xenophon, Mem. Soc. iii. 2; where it is said that a general ought to be *παρασκευαστικός, ποριστικός τῶν ἐπιτηδείων τοῖς στρατιώταις, μηχανικός, ἐργαστικός, καρτερικός, φυλακτικός, προετικός, ἐπιθετικός, τακτικός*: or let him try to translate, in the same way, from c. 3, *ἰατρικώτατος, κυβερνητικώτατος, γεωργικώτατος*, &c. It is folly to compare the Latin language with the Greek in such respects. *Gesner.*

† Both delicacy of thought and propriety of language.

‡ The Greeks excel us in the *stylus tenuis*, the simple style; we may excel them in the more ambitious; especially as they, from the very copiousness of their language, do not indulge in metaphors. *Turnebus.*

§ *Suos portus habent.*] Where they may be in safety, and where the plain style, even on a humble subject, may have its credit, and be thought graceful and attractive. *Gesner.* Buttmann supposes that Quintilian speaks of "ports" in the sense of *emporia*, to which genius, of any kind, might carry whatever it produced. The reader may take his choice of the two interpretations. In neither sense can the metaphor be thought very happy.

coast along the land. The Greeks can easily pass through any shallows; I shall find a part somewhat, though not much deeper, in which my boat may be in no danger of sinking. 38. For if the Greeks succeed better than we in plainer and simpler subjects, so that we are beaten on such ground,* and accordingly in comedy do not even venture to compete with them, we must not altogether abandon this department of literature, but must cultivate it as far as we can, and we can, at least, rival the Greeks in the temper and judgment with which we treat our subjects; while grace of style, which we have not among us by nature, must be sought from a foreign source.† 39. Is not Cicero, in causes of an inferior character, acute and not inelegant, clear and not unduly elevated? Is not similar merit remarkable in Marcus Calidius?‡ Were not Scipio, Lælius, and Cato, the Attics of the Romans, as it were, in eloquence? Surely those, then, must satisfy us in that sort of style, than whom none can be imagined more excellent in it.

40. I must observe further, that some think there is no *natural eloquence* but such as is of a character with the language of ordinary conversation, the language in which we address our friends, wives, children, and servants, and which is intended only to express our thoughts, and requires no foreign or elaborate ornament; they say that all that is superadded to such language is mere affectation, and vain ostentation of style, at variance with truth, and invented only with a view to a display of words, to which, they assert, the only office attributed by nature is to be instrumental in expressing our thoughts; comparing an eloquent and brilliant style to the bodies of athletes, which, though they are rendered stouter by exercise, and by regularity of diet, are yet not in a natural condition, or in conformity with that appearance which has been assigned to man. 41. Of what profit is it, they ask, to clothe our thoughts in circumlocution and metaphor, that is, in words unnecessarily numerous, and in unnatural words, when everything has its peculiar term appropriated to

* *In eoque vincimur solo.*] Qu'en cela seul ils l'emportent sur les Latins. *Gedoyn.* It seems to me that *solo* should rather be taken in the sense which I have given it.

† *Extrinsecus condienda est.*] There is much doubt about the genuineness of *condienda*, literally, "to be seasoned." Badius conjectured *concienda*, i. e. *arcessenda*, and Gesner *conducenda*, i. e. *concilianda*.

‡ IX. 1, 23.

it? 42. They contend that the most ancient speakers were most in conformity with nature; and that there subsequently arose others, with a greater resemblance to the poets, who showed (less openly, indeed, than the poets, but after the same fashion,) that they regarded departures from truth and nature as merits. In this argument there is certainly some foundation of truth, and accordingly we ought not to depart so far as some speakers do from exact and ordinary language. Yet if any orator, as I have said in the part in which I spoke of composition,* should add something ornamental to that which is merely necessary, and than which less cannot be given, he will not be deserving of censure from those who hold this opinion.

43. To me, indeed, ordinary discourse, and the language of a truly eloquent man, appear to be of a different nature; for if it were sufficient for an orator to express his thoughts plainly, he would have nothing to study beyond mere suitableness of words; but since he has to please, to move, and to rouse the minds of his audience to various states of feeling, he must have recourse, for those purposes, to the means which are afforded us by the same nature that supplies us with ordinary speech; just as we are led by nature to invigorate our muscles with exercise, to increase our general strength, and to acquire a healthy complexion. 44. It is from this cause that in all nations one man is esteemed more eloquent, and more agreeable in his mode of expression, than another; for if such were not the case, all would be on an equality in this respect, and the same way of speaking would become every man alike; but, as it is, men speak in different methods,† and preserve a distinction of character. Thus I conceive that the greater impression a man produces by his words, the more he speaks in conformity with the natural intention of eloquence.‡ I,

* B. x. c. 4.

† *At loquuntur.*] That there is something wrong in these words has been believed by most editors. But the only correction proposed is that of Obrecht, *at aliter loquuntur*. Spalding doubts whether *aliter* could thus be used for *diversimodè*.

‡ *Secundum naturam eloquentiæ.*] By those who are always talking of nature it ought to be observed that those only act naturally in regard to any thing, who act according to the nature of that thing. If, therefore, eloquence be anything, they only speak naturally who speak according to the nature of eloquence. *Buttmann.*

therefore, have not much to say against those who think that we must accommodate ourselves in some degree to circumstances, and to the ears of audiences that require something more refined and studied than ordinary language. 45. I am so far from thinking, therefore, that an orator should be restricted to the style of those who preceded Cato and the Gracchi, that I do not consider he should be restricted to the style even of these. I see that it was the practice of Cicero, though he did nothing but with a view to the interest of his cause, to study in some measure the gratification of his audience, saying that he thus promoted his object, and contributed in the best possible way to the success of his client. He in fact profited in proportion as he pleased. 46. To the attractions of his style I do not know, for my own part, what can be added, unless indeed we introduce, to suit modern taste, a few more brilliant thoughts; for this may certainly be done* without damage to a cause, and without diminution to the impressiveness of a pleader, provided that the embellishments be not too numerous and close together, so as to destroy the effects of each other. 47. But though I am thus far complaisant, let no man press for any further concession; I allow, in accordance with the fashion of the day, that the toga should not be of rough wool, but not that it should be of silk; that the hair should not be uncut, but not that it should be dressed in stories and ringlets;† it being also considered that what is most becoming is also most elegant, provided that elegance be not carried to the extent of ostentation and extravagance. 48. But as to what we call *brilliant thoughts*, which were not cultivated by the ancients, and not, above all, by the Greeks, (I find some in Cicero,) who can deny that they may be of service, provided that they bear upon the cause,‡ are not redundant in number, and tend to secure success? They strike the mind of the hearer, they frequently produce a great effect by one impulse;

* The text has *Neque enim fieri potest*, but Buttmann justly says that it is imperative upon us to read *neque enim fieri* non *potest*.

† *In gradus atque annulos*] See i. 6, 44.

‡ *Dum rem contineant*] Buttmann observes that *res* can mean nothing but the cause or subject, but that to this signification the word *contineant*, in reference to *sententiæ*, or "brilliant thoughts," is hardly applicable. He is inclined to read *dum re contineantur*, but observes that Heindorf conjectured, not less to the purpose, *dum rem contingant*.

they impress themselves, from being short, more effectually on the memory; and they persuade while they please.

49. But there are some, who, though they will allow an orator to utter such *dazzling thoughts*, consider that they are wholly to be excluded from speeches that are written. This is an opinion, accordingly, which I must not pass unnoticed; as indeed many men of great learning have thought that the modes of speaking and writing are essentially different; and that it is from this cause that some who were highly distinguished for speaking have left nothing to posterity, nothing in writing that would be at all lasting, as Pericles* and Demades;† and that others again, who were excellent in writing, have been unfitted for speaking, as Isocrates. 50. Besides, they say that impetuosity, and thoughts merely intended to please, and perhaps somewhat too boldly hazarded, have often the very greatest effect in speaking, as the minds of the ignorant part of an audience must frequently be excited and swayed; but that what is committed to writing, and published as *something good*, ought to be terse and polished, and in conformity with every law and rule of composition, because it is to come into the hands of the learned, and to have artists as judges of the art with which it is executed. 51. These acute teachers (as they have persuaded themselves, and many others, that they are,‡) tell us that παράδειγμα, or "rhetorical induction," is better adapted for speaking, and the ἐνθύμημα, or "rhetorical syllogism,"§ for writing. To me it appears that *to speak well* and *to write well* are but the same thing; and that a written oration is nothing else but a record of an oration delivered. Written oratory must accordingly, I think, be susceptible of every species of excellence; I say every species of excellence, not every species of fault,‖ for I know that what is faulty some-

* III. 1, 12. † II. 17, 13.

‡ All the texts have *Quin illi subtiles, ut similes ac multos persuaserunt magistri*, from which I know not what sense they who acquiesced in it extracted. Buttmann says that he can propose nothing better than Burmann's conjecture, *Quin illi subtiles (ut sibi ac multis persuaserunt magistri)*—, in conformity with which I have translated the passage. § V. 11, 2.

‖ The text is here, as Buttmann observes, perplexed, and probably corrupt. I translate in accordance with what he proposes to read: *Itaque* (oratio scripta) ***nullas non, ut opinor, debet habere virtutes; virtutes dico, non vitia; nam imperitis placere aliquando quæ vitiosa sunt, scio.***

times pleases the ignorant. 52. How, then, will what is written and what is spoken differ? I reply that if I were to address myself to a tribunal composed only of wise men,* I would cut off much from the speeches, not only of Cicero, but even of Demosthenes, who is much less verbose; for, in speaking to such an audience, there will be no necessity for exciting the feelings, or for soothing the ear with delight; since Aristotle† thinks that in such a case even exordia are superfluous, as wise men will not be moved by them; and to state the subject in proper and significant words, and establish proofs, will be sufficient. 53. But when the people, or some of the people, are before us as judges, and when illiterate persons, and even ploughmen, are to pass sentence, every art which we think likely to conduce to the attainment of the object which we have in view, must be employed; and such arts are to be displayed not only when we speak, but when we write, that we may show how the speech should be spoken. 54. Would Demosthenes have spoken badly in speaking exactly as he wrote, or would Cicero? Or do we know them to have been excellent orators from any other source than from their writings? Did they speak, we may ask, better than they wrote, or worse? if worse, they ought to have spoken as they wrote; if better, they ought to have written as they spoke.

55. What, then, it may be said, shall an orator always speak just as he will write? If possible, I answer, always But if the time allowed by the judge prevents him from doing so by its shortness, much that might have been said will be withheld; but the speech, if published, will contain the whole. But what may have been introduced to suit the capacity of the judges, will not be transmitted unaltered to posterity, lest it be thought to be the offspring of his judgment, and not a concession to circumstances. 56. For it is of the greatest importance to a pleader to know to what the judge may be disposed to listen; and the judge's look, as Cicero directs,‡ must often be the orator's guide We must consequently dwell upon those points which we observe to give him satisfaction, and touch but lightly on those to which he seems averse. The very style that is most desirable is such as will render us most easily intelligible to the judge. Nor is this at all surprising, when

* See ii. 17, 28; iii. 8, 2; iv. 1, 21. † See iv. 1, 72.

‡ No one has as yet pointed out the passage in Cicero. *Buttmann.*

many things are altered in our language merely to suit the characters of witnesses. 57. Thus the orator who had asked an illiterate witness, *whether he knew Amphion*, and he had answered that he did not, acted wisely in taking away the aspiration, and shortening the second syllable of the name, when the witness replied that he knew him very well. Occurrences such as these often make us speak otherwise than we write, it being impossible to speak exactly as we write.

58. There is another mode of characterizing style, which also resolves itself into three divisions,* and by which the different forms of eloquence seem to be very well distinguished one from another. One style, according to this method, the Greeks call *ἰσχνόν*, or *plain;* another they term *ἀδρόν*, or *grand* and *energetic;* and a third which they have added, some call *a mean between these two*, others the *ἀνθηρόν*, or *florid* style. 59. Of these the nature is such that the *first* seems adapted to the duty of *stating facts*, the second to that of *moving the feelings*, and the third, by whichsoever name it be designated, to that of *pleasing*, or *conciliating;* as *perspicuity* seems necessary for instructing, *gentleness of manner* for conciliating, and *energy* for exciting the hearer.

It is accordingly in the plain sort of style that narrative and proofs will be stated; a style which, requiring no assistance from other qualities of diction,† is complete in its own kind. 60. The middle sort will abound more with metaphors, and be rendered more attractive by figures of speech; it will seek to please by digressions; it will be elegant in phraseology, with perfectly natural thoughts, but flowing gently, like a clear stream overshadowed on either side by banks of green wood. 61. But the energetic style will resemble an impetuous torrent, which carries away rocks, *disdains a bridge*,‡ and makes banks for itself; it will impel the judge, even though he strive against it, whithersoever it pleases, and oblige him to take the course into which it hurries him. An orator who employs this style will evoke the dead, as Appius Cæcus;§ in the speeches of such an orator his country will lament, and sometimes call

* See sections 16, 18.

† *Detractis ceteris virtutibus.*] Requiring nothing either from the florid or the grand style. *Gesner.*

‡ *Pontem indignetur.* Virg. Æn. viii. 628. § See iii. 8, 14.

upon him as she calls upon Cicero in his speech against Catiline in the senate.* 62. Such an orator will elevate his oratory with amplification, and rise into hyperbole: *What Charybdis was ever so insatiable?* and, *The Ocean itself, assuredly,*† &c.; for these striking passages are well known to the studious. Such an orator will bring down the gods themselves to form portion of his audience, and almost to take part in what he says: *For you, O Alban hills and groves, you, O ruined altars of the Albans, united and coeval with the sacred rites of the Roman people,*‡ &c. Such an orator will inspire his hearers with rage or pity; he will say, *He saw you, called upon you, and wept;*§ and the judge, excited with every variety of emotion, will follow the speaker hither and thither, without requiring any proof of what is stated.

63. If, then, it were necessary to choose one of these three kinds, who would hesitate to prefer to the others that which, besides being in other respects the most effective, is also best suited to the most important causes? 64. Homer‖ has attributed to Menelaus a style of eloquence *agreeably concise, appropriate,* (for such is the quality meant by *not mistaking in words,*¶) and *free from superfluity;* and these are the merits of our first species of eloquence; from the mouth of Nestor he says** that *language sweeter than honey flowed,* than which no

* See Cic. in Catil. i. 7. The text has *aliquandoque Ciceronem in oratione contra Catilinam alloquetur.* But the meaning of Quintilian, as Buttmann remarks, is evidently *patria aliquando ipsum, qui dicit, alloquetur.* This I have accordingly expressed in the translation.

† Cic. Philipp. ii. 27. ‡ Cic. pro Mil. c. 31.

§ Whence these words come, is unknown. ‖ Il. iii. 213.

¶ Οὐδ' ἀφαμαρτοεπής.

** Il. i. 249.

The passage relating to Menelaus and Ulysses is thus translated by Pope:

> When Atreus' son harangued the listening train,
> Just was his sense, and his expression plain,
> His words succinct, yet full, without a fault;
> He spoke no more than just the thing he ought.
> But when Ulysses rose, in thought profound,
> His modest eyes he fix'd upon the ground;
> As one unskill'd or dumb, he seemed to stand,
> Nor rais'd his head, nor stretch'd his sceptred hand;
> But, when he speaks, what elocution flows;
> Soft as the fleeces of descending snows,
> The copious accents fall, with easy art;
> Melting they fall, and sink into the heart.

greater sweetness can certainly be imagined; but desiring to give a notion of the highest power of eloquence in Ulysses, he has given him *grandeur*, and ascribed to him *language* equal in copiousness and continuity of flow to *showers of snow in winter*. 65. *With him, therefore*, as he adds, *no mortal will contend;* such an orator men will venerate as a god. Such is the force and impetuosity which Eupolis admires in Pericles,* and which Aristophanes compares to thunder and lightning. Such is the power of true eloquence.

66. But neither is eloquence confined to these three kinds of style; for as a third kind has its place between the *simple* and the *energetic*, so there are degrees in each of those kinds, and between any two of those degrees there is something intermediate partaking of the nature of each. 67. There is something fuller, and something more simple, than the *simple* kind; there is something more gentle, and more energetic, than the *energetic* kind; and the *middle* kind both rises to what is stronger, and stoops to what is weaker. Thus almost innumerable species are found, which are distinguished from each other at least by some shade of difference; as we are told, generally, that the four winds blow from the four cardinal points of the heaven, though there are often observed many winds between those points, and many peculiar to certain countries and even to certain rivers. 68. The case, too, is similar with regard to the practice of musicians, who, after making five principal notes on the lyre, fill up the intervals between them with a great variety of other notes, and then, again, insert others between those which they have previously inserted; so that those main divisions admit many intermediate degrees of sound.

69. There are, therefore, many species of eloquence, but it would be extremely foolish to inquire which of them an orator should follow, since every species, if it be but of a genuine character, has its use, and all that people commonly call *ways of speaking* falls under the management of the orator; for he will employ every variety of speech so as to suit, not merely any particular cause, but particular parts of any cause. 70. Thus he will not speak in the same strain in defence of a man who is accused of a capital crime, in a suit respecting an inheritance, and in cases of interdicts, sponsions,† and loans; he

* See ii. 16, 19; x. 1, 82. † See ii. 10, 5; iv. 2, 61.

will observe distinctions between the delivery of opinions in the senate, in the assembly of the people, and in private deliberations; he will vary his style greatly in conformity with the difference of persons, occasions, and places; he will adopt different arts for conciliating, even in the same speech;* he will not try to excite anger and pity by dwelling on similar topics; he will employ one style to state his case to the judge, and another to move the judge's feelings. 71. The same colour of diction will not be observable in his exordium, his statement of facts, his arguments, his digressions, and his peroration. He will be able to speak gravely, austerely, sharply, strongly, spiritedly, copiously, bitterly, affably, gently, artfully, soothingly, mildly, agreeably, succinctly, politely; he will not be always alike, yet always consistent with himself. 72. Thus he will not only attain that object for which the use of speech was chiefly intended; I mean, that of speaking to the purpose, and with ability sufficient to establish that which he has in view; but he will also obtain applause, not merely from the learned, but even from the common people.

73. They indeed are greatly deceived, who imagine that a vicious and corrupt style of eloquence, which exults in a licentious kind of diction, wantons in puerile fancies, swells with inordinary tumour, expatiates on empty common-places, decks itself with flowers that will fall if they are in the slightest degree shaken, prefers extravagance to sublimity, or raves madly under the pretext of freedom, will be the most gratifying to the people, and most likely to gain applause. 74. That such a style does however please many, I do not deny, nor do I wonder; for eloquence of any kind whatsoever is pleasing to the ear, and likely to be favourably heard; all exertion of the human voice naturally draws the mind with a pleasing kind of attraction; it is from no other cause that there are such groups of listeners in market-places and cause-ways;† and it

* *In eâdem oratione aliter conciliabit.*] Rollin considers that something must have fallen out of the text, and that we should probably read *aliter inflammabit, aliter conciliabit,* or something to that effect; and Buttmann agrees with him.

† *Per fora atque aggerem.*] The commentators, says Buttmann, cite Juvenal vi. 588: *Plebeium in circo positum est et in aggere fatum,* referring to the pretended diviners and fortune-tellers that abounded in those places. But what is the exact meaning of *agger* is doubtful. Buttmann thinks it means any "via publica," as in Hor. Sat. i. 8, 15.

is therefore the less surprising that for every pleader a ring of the rabble is ready. 75. But when anything more happily expressed than ordinary falls upon the ears of the illiterate, of whatever kind it be, provided that they themselves cannot hope to speak equally well, it gains their admiration; and not without reason; for even to speak just beyond the capacity of the uneducated is not easy. Such moderate excellence, however, fades and dies away when it is compared with anything better; *as wool dyed red pleases*, says Ovid, *in the absence of purple, but if it be contrasted even with the purple of a common riding-cloak,* it will be thrown into the shade by the presence of something brighter than itself.* 76. If, again, we apply the light of a keen judgment to such tasteless eloquence, as that of sulphur to inferior dye, it will immediately lose the false lustre, with which it had deceived the eye, and grow pale with an indescribable deformity. Such eloquence will accordingly shine only in the absence of the sun, as certain small animals appear to be little fires in the darkness. In short, many admire what is bad, but none condemn what is good.

77. But the orator must do all that I have mentioned not only in the best manner, but also with the greatest ease; for the utmost power of eloquence will deserve no admiration if unhappy anxiety perpetually attends it, and harasses and wears out the orator, while he is laboriously altering his words, and wasting his life in weighing and putting them together. 78. The true orator, elegant, sublime, and rich, commands copious materials of eloquence pouring in upon him from all sides. He that has reached the summit, ceases to struggle up the steep. 79. Difficulty is for him who is making his way and is not far from the bottom; but the more he advances, the easier will be the ascent, and the more verdant the soil; and if, with persevering efforts, he pass also these gentler slopes, fruits will spontaneously present themselves, and all kinds of flowers will spring up before him, which however, unless they are daily plucked, will be sure to wither. Yet even copious-

Aggere in aprico spatiari, where the public path or road on the Esquiline hill is meant; see also Juv. v. 153.

* *Si contuleris etiam lacernæ.*] I know not what other turn can be given to these words than I have given, if we retain *etiam*. Dan. Heinsius, however, would read, instead of it, *eam*, and Langius, *Tyriæ*. These words are from some lost portion of Ovid's works.

ness should be under the control of judgment, without which nothing will be either praiseworthy or beneficial; elegance should have a certain manly air, and good taste should attend on invention. 80. Thus what the orator produces will be *great*, without extravagance; *sublime*, without audacity; *energetic*, without rashness, *severe*, without repulsiveness; *grave*, without dulness; *plenteous*, without exuberance; *pleasing* without meretriciousness; *grand*, without tumidity. Such judgment will be shown with regard to other qualities; and the path in the middle is generally the safest, because error lies on either side.

CHAPTER XI.

The orator must leave off speaking in public before he fails through old age, § 1—4. How his time may be employed after he has retired, 5—7. Quintilian hastens to conclude his work; he shows that students have ample time for acquiring all the qualifications, as far as nature will allow, that he has specified, 8—20. He proves, from the examples of great men, how much may be done, and observes that even moderate attainments in eloquence are attended with very great advantages, 21—29. Exhortation to diligence, and conclusion, 30, 31.

1 THE orator, after displaying these excellences of eloquence on trials, in councils, at the assemblies of the people, in the senate, and in every province of a good citizen, will think of bringing his labours to an end worthy of an honourable man and a noble employment, not because it is ever time to leave off doing good, or because it is not proper for one endowed with such understanding and talents to spend the longest possible time in so dignified an occupation, but because it becomes him to take care that he may not speak worse than he has been in the habit of speaking. 2. The orator does not depend merely on knowledge, which increases with years, but on strength of voice, lungs, and constitution, and if these are weakened or impaired by age or ill-health, he must beware lest something of his usual excellence be missed lest he should be obliged to stop from fatigue, lest he should perceive that what he says is imperfectly heard, and lest he should not recognize

his former in his present self. 3. I myself saw Domitius Afer, by far the most eminent orator of all whom it has been my fortune to know, losing daily, at an advanced period of life, something of the authority which he had so justly acquired; since when he, who had doubtless once been the prince of the forum, was speaking, some (what may well be thought disgraceful) laughed, while others blushed for him; and his inefficiency gave occasion to the remark, that *he had rather faint than leave off.** Yet his pleading, such as it was, was not bad, but inferior in energy to what it had been. 4. The orator, therefore, before he falls into the grasp of old age, will do well to sound a retreat, and gain the harbour while his vessel is still undamaged.

Nor, when he has done so, will less honourable advantages from his acquirements attend on him. He will transmit the history of his own times to posterity, or, as Lucius Crassus, in the books of Cicero,† expresses his intention to do, will explain points of law to those who consult him, or will compose a treatise on eloquence, or will set forth the finest precepts of morality in a style worthy of the subject.‡ 5. In the meantime well-disposed youth, as was customary with the ancients, will frequent his house, and will consult him, as an oracle, on the best mode of attaining eloquence; and he, as a father in the art, will form them, and, as an old pilot on the ocean of oratory, will give them instruction respecting coasts and harbours, and show them what are the signs of tempests, and what management a ship may require under favourable or adverse winds;§ being induced to do so, not only by the common obligations of humanity, but by his love for his profession; for no man would like that art, in which he himself has been great, to fall into decay. 6. What, indeed, can be more honourable to a man, than to teach that of which he

* *Malle eum deficere quàm desinere.*] Seneca, Controv. i. 8: *Optimus virtutis finis est, antequam deficias desinere.* Spalding.

† De Orat. i. 42.

‡ *Aut pulcherrimis vitæ præceptis dignum os dabit.*] "Or will give to the precepts of life (or moral conduct) a mouth (or eloquence) worthy (of them)." "He will compose precepts in such words as become the dignity of the subject." *Gesner.*

§ *Quid secundis flatibus, quid adversis ratis poscat.*] For *ratis* Spalding proposed to read *ratio,* which Buttmann approves.

himself has a thorough knowledge? It was thus that Cicero* says Cælius was brought to him by his father; and it was thus that, like a master, he exercised Pansa, Hirtius, and Dolabella,† daily speaking and listening to them. 7. And I know not whether an orator ought not to be thought happiest at that period of his life, when, sequestered from the world, devoted to retired study, unmolested by envy, and remote from strife, he has placed his reputation in a harbour of safety; experiencing, while yet alive, that respect which is more commonly offered after death, and observing how his character will be regarded among posterity.

8. For my own part, I know that, as far as I could, with my moderate ability, I have imparted, candidly and ingenuously, whatever I previously knew, and whatever I could discover in furtherance of my present work, for the improvement of such as might wish to learn; and it is enough for an honourable man to have taught what he knows. 9. Yet I fear lest I may be thought, not only to require too much in expecting a man to be at once good and eloquent, but also to specify too many qualifications, by giving, in addition to so many accomplishments necessary to be gained in youth, precepts on morals, and enjoining a knowledge of civil law, not to mention the rules which I have laid down concerning eloquence; and I am apprehensive lest even those who allow that all these requirements were necessary to my design, should nevertheless dread them as too oppressive, and despair of fulfilling them before they proceed to a trial. 10. But let those who think thus, reflect, in the first place, how great the power of the human mind is, and how capable of accomplishing whatever it makes its object; since even arts of less importance than oratory, though more difficult of attainment, have been able to effect voyages over the ocean, to discover the courses and number of the stars, and to measure almost the whole universe. Next let them consider how honourable is the end which they desire to attain, and that no labour should be spared when such a reward is in view. 11. If they allow such conceptions to have due weight with them, they will the more easily be induced to believe that the

* Orat. pro Cælio, c. 4.

† Cic. ad Div. ix. 16, though Pansa is not mentioned there. See also Quint. viii. 3, 54; Suet. de Clar. Rhet. sub init.; Sen. Controv. i. Proem. *Buttmann.*

way to eloquence is not impracticable, or indeed extremely difficult; for that which is the first and more important point, that an orator should be a good man, depends chiefly on the will; and he who shall sincerely cherish a resolution to be good, will easily attain those qualifications that support virtue. 12. The duties incumbent upon us* are not so complex or so numerous, that they may not be learned by the application of a very few years. What makes it so long a labour, is our own reluctance; the ordering of an upright and happy life is but a short task, if we but give our inclination to it. Nature formed us for attaining the highest degree of virtue; and so easy is it, for those who are well disposed, to learn what is good, that to him who looks fairly on the world, it is rather surprising that there should be so many bad men. 13. As water, indeed, is suitable to fishes, as the dry land to terrestrial animals, and the air that surrounds us to birds, so it ought to be more agreeable to us to live conformably to nature than at variance with her.

As to other qualifications, although we should include in our estimate of life, not the years of old age, but merely those of youth and manhood, it is apparent that there is time enough for acquiring them; for order, and method, and judgment, will shorten all labour. 14. But the fault lies, first, with teachers, who love to retain under them those whom they have taken in hand, partly from covetousness, in order to be longer in receipt of fees, partly from vanity, to make it appear that what they profess is very difficult, and partly perhaps from ignorance or neglect of the proper mode of teaching; and, secondly, in ourselves, who are fonder of dwelling on what we have learned than of learning what we do not yet know. 15. For, to confine myself chiefly to oratorical studies, of what advantage is it to declaim so many years in the schools as is customary with many, (to say nothing of those by whom a great portion of life is wasted in that exercise,) and to bestow so much labour on imaginary subjects, when it is possible to gain, in but a short time, a sufficient notion of real pleading, and of the rules of oratory? 16. In making this remark, I do not intimate that exercise in speaking should ever be discontinued, but only signify that we should not grow old in one species of

* *Neque enim—tam numerosa sunt quæ premunt.*] For *premunt* Buttmann would read *præcipiuntur*.

exercise. We may be gaining general knowledge, learning the duties of ordinary life, and trying our strength in the forum, while we are still scholars.* The course of study is such, that it does not require many years: for any of those sciences, to which I have just alluded,† may be comprised in a few treatises, so far are they from requiring infinite time and application. All else depends on practice, which will soon increase our ability. 17. Our knowledge of things in general will daily increase; though it must be admitted that the perusal of many books, by means of which examples of things may be gained from historians, and of eloquence from orators, is necessary for great advancement in it. It is requisite also that we should read, as well as some other things, the opinions of philosophers and eminent lawyers.

All this knowledge we may acquire; but it is we ourselves that make time short. 18. For how much time do we seriously devote to study? The empty ceremony of paying visits‡ steals some of our hours, leisure wasted in idle conversation others, public spectacles and entertainments others. Take into consideration also our great variety of private amusements, and the extravagant care which we bestow on our persons; let travelling, excursions into the country, anxious meditations on our losses and gains,§ a thousand incentives to the gratification of the passions, wine, and the corruption of the mind with every species of pleasure, claim their several portions of our time; and not even that which remains will find us in a proper condition for study. 19. But if all these hours were allotted to study, our life would seem long enough, and our time amply sufficient, for learning, even if we take into account only our days; while our nights, of which a great part is more than enough for all necessary sleep, would add to our improvement We now compute, not how many years we have studied, but how many we have lived. 20. Nor, if geometricians and grammarians, and professors of other sciences, have spent all their lives, however long they were, in their respective pursuits,

* See c. 6, sect. 6. † Sect. 10.

‡ *Salutandi.*] Visits of ceremony, to pay respect to great men, which were made in the morning. See Virg. Georg. ii. 461: *Ingentem foribus domus alta superbis Manè salutantûm totis vomit ædibus undam.*

§ *Calculorum anxiæ solicitudines.*] Calculations about income, interest of money, &c. *Buttmann.*

does it follow that we should require several lives to learn several sciences; for they did not continue adding to their knowledge in these sciences to the time of old age, but were content with having merely learned them, and spent that great number of years rather in practising than in acquiring.

21. To say nothing of Homer, in whom either instruction, or at least indisputable indications of knowledge in every kind of art are to be found; to make no mention of Hippias of Elis, who not only professed a knowledge of every liberal science, but used to have his dress, and ring, and shoes, all made with his own hand, and had so qualified himself as to require no one's assistance in anything;* Gorgias,† even in extreme old age, was accustomed to ask his auditors in his lecture-room to name the subject on which they wished him to speak. 22. What knowledge, of any value for literature, was wanting in Plato? How many lives did Aristotle spend in learning, so as not only to embrace within his knowledge all that relates to philosophers and orators, but to make researches into the nature of all animals and plants? Those great men had to discover branches of knowledge which we have only to learn. Antiquity has provided us with so many teachers, and so many models, that no age can be imagined more eligible for us, in regard to being born in it,‡ than our own, for the instruction of which preceding ages have toiled.

23. If we look to our own countrymen, we see that Marcus Cato the Censor, an orator, a writer of history, eminently skilled alike in law and agriculture, amidst so many occupations in war, and so many contentions at home, and in an unpolished age, learned the Greek language in the very decline of life, as if to give an example to mankind that even old men may acquire what they desire to learn. 24. How much has Varro told us, or, let us rather say, has he not told us almost everything? What qualification for speaking was deficient in Cicero? But why should I multiply examples, when even Cornelius Celsus, a man of but

* Cic. de Orat. iii. 32.

† Buttmann very justly remarks that he does not see why Quintilian should pass over Homer and Hippias, to fix, as it were, upon Gorgias; and therefore thinks that there must be some corruption in the text. He proposes, accordingly, to read, instead of what we now have, *ut Gorgiam* (sc. transeam), *qui summæ senectutis*, &c., *quæ tandem ars —— Platoni defuit?* This would be a great improvement.

‡ *Sorte nascendi.*] *Non omni sorte, sed eâ quâ nascimur.* Buttmann.

moderate ability,* has not only written on all literary studies, but has besides left treatises on the military art, on husbandry, and on medicine? Well worthy was he, if only for the extent of his design, to enjoy the credit of having known everything on which he wrote.

25. But, it may be said, to accomplish such a task is difficult, and no one has accomplished it. I answer, that in the first place, it is sufficient for encouragement in study, to know that it is not a law of nature that what has not been done cannot be done; and, in the second, that everything great and admirable had some peculiar time at which it was brought to its highest excellence. 26. Whatever lustre poetry received from Homer and Virgil, eloquence received equal lustre from Demosthenes and Cicero. Whatever is best, had at one time no existence. But though a man despair of reaching the highest excellence, (and yet why should he despair who has genius, health, aptitude, and teachers?) yet it is honourable, as Cicero says,† *to gain a place in the second or third rank.* 27. If a man cannot attain the glory of Achilles in war, he is not, therefore, to despise the merit of Ajax or Diomede; if he cannot rival the fame of Homer, he is not to contemn that of Tyrtæus. If men, indeed, had been inclined to think that no one would be better than he who was best at any given time, those who are now accounted best would never have distinguished themselves; Virgil would not have written after Lucretius and Macer;‡ Cicero would not have pleaded after Crassus and Hortensius; nor would others, in other pursuits, have excelled their predecessors

28. Even though there be no hope of excelling the greatest masters of eloquence, it is yet a great honour to follow closely behind them. Did Pollio and Messala, who began to plead when Cicero held the highest place in eloquence, attain but little estimation during their lives, or transmit but little reputation to posterity? The advancement of the arts to the highest possible excellence would be but an unhappy service to mankind, if what was best at any particular moment was to be

* See x. 1, 24. That the judgment of Quintilian on Celsus may not appear too unfavourable to those who have given their attention to him, we must consider that he is here compared with the greatest men of every age. *Gesner.*

† Orat. c. 1. ‡ VI. 3, 96.

the last.* 29. It may be added that moderate attainments in eloquence are productive of great profit; and, if an orator estimates his studies merely by the advantage to be derived from them, the gain from inferior oratory is almost equal to that from the best. It would be no difficult matter to show, as well from ancient as from modern instances, that from no other pursuit has greater wealth, honour, and friendship, greater present and future fame, resulted to those engaged in it, than from that of the orator, were it not dishonourable to learning to look for such inferior recompence from one of the noblest of studies, of which the mere pursuit and acquirement confer on us an ample reward for our labour; for to be thus mercenary would be to resemble those philosophers† who say that virtue is not the object of their pursuit, but the pleasure that arises from virtue.

30. Let us then pursue, with our whole powers, the true dignity of eloquence, than which the immortal gods have given nothing better to mankind, and without which all nature would be mute, and all our acts would be deprived alike of present honour and of commemoration among posterity; and let us aspire to the highest excellence, for, by this means, we shall either attain the summit, or at least see many below us.

31. Such were the observations, Marcellus Victor, from which thought that the art of oratory might, as far as was in my power, derive some assistance from me; and attention to what I have said, if it does not bring great advantage to studious youth, will at least excite in them, what I desire even more, a love for doing well.

* All the texts have *si, quod optimum fuisset, defuisset.* My translation is in conformity with the emendation proposed by Buttmann, *si, quod optimum, idem ultimum fuisset.*

† As the followers of Aristippus and Epicurus; Cicero de Off. iii. 33.

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*** *The Roman numbers refer to the book; the Arabic to the chapters and sections.*

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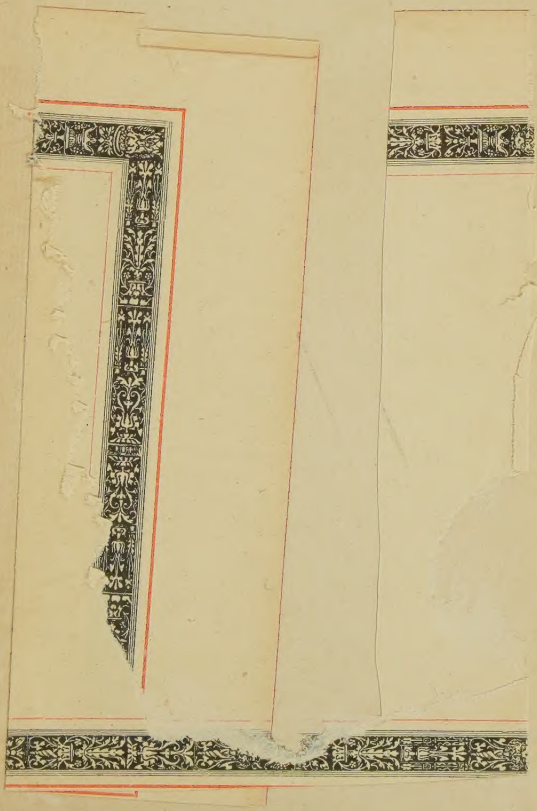
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